

Committee Report

Item No: 1

Reference: DC/18/00465

Case Officer: Alex Scott

Ward: Badwell Ash

Ward Member: Cllr Roy Barker

RECOMMENDATION – GRANT OUTLINE PLANNING PERMISSION WITH CONDITIONS

Description of Development

Outline planning application - erection of 52 dwellings and construction of new access (all matters reserved with the exception of the new access)

Location

Land off Hunston Road Badwell Ash Suffolk

Parish: Badwell Ash

Expiry Date: 13/07/18

Application Type: Outline planning application

Development Type: Small Scale Major Dwellings

Applicant: BG and JM Sutton

Agent: Hollins Architects Surveyors and Planning Consultants

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.

Details of Previous Committee/Resolutions and Member Site Visit

None.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

Relevant policies in the Core Strategy Focused Review 2012 and Mid-Suffolk Local Plan 1998:

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
RT13 – Water based recreation
CL08 - Protecting wildlife habitats
Suffolk Design Guide
National Planning Policy Framework (NPPF)

Supplementary Planning Documents

Suffolk Adopted Parking Standards (2015)

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

Badwell Ash Parish Council

Object on following grounds:

Outside settlement boundary not identified as site for residential development.

Existing infrastructure at breaking point.

Impact on wildlife.

Impact on open countryside setting.

Unsafe access.

No footpaths at this point of Hunston Road.

Loss of amenity owing to impact on public footpath through the site.

Drainage capabilities.

Sewerage system unable to cope.

SCC Highways Authority

No objection subject to standard highways conditions.

County Development Contributions Manager

Education:

Secondary – 0

Primary - £146,172

Pre-school - £49,998

Libraries: £11,232

SCC Flood and Water

No objection subject to standard conditions.

BMSDC Housing Enabling Officer

18 of the proposed dwellings on the development should be for affordable housing, equating to 35% of the total number of dwellings proposed for the development. The Design & Access statement only offers 12 dwellings, and these have been offered in the form of: -

- 6 x 1 bed flats for affordable rent
- 6 x 2 bed flats for affordable rent/shared equity

We would also require 4 x 2 bed 4-person houses @ 79 sqm and 2 x 3 bed 5-person houses @ 93 sqm.

There have been no space standards provided for the flats proposed and we would require 1 bed flats to be suitable for 2 persons and 50sqm, and 2 bed flats to be suitable for 4 persons and 70 sqm.

In terms of tenure we would seek 75% of the affordable homes to be for affordable rent and the other 25% for shared ownership.

The above mix is requested and to be included in the S106 agreement.

Preferred Mix for Open Market homes:

The development is proposing an indicative open market mix of:

18 x 2 bed houses – 4 of these should be made available for affordable homes

16 x 3 bed houses – 2 of these should be made available for affordable homes

4 x 4 bed houses

2 x 4 bed houses for Self-Build

Current housing needs information suggests a need for smaller dwellings for sale on the open market. Therefore, the development proposal would better meet housing need if some of the 2/3 bed houses are replaced with bungalows on the site as there is a growing need for dwellings suitable for older people, those with health problems and owners wishing to down size to more suitable and manageable housing.

BMSDC Sustainability

No objection subject to a Sustainability and Energy Strategy condition.

BMSDC Environmental Health

No objection subject to standard conditions regarding hours of work, construction management plan, smoke and light.

BMSDC Arboriculture

I have no objection in principle to this application subject to it being undertaken in accordance with the protection measures outlined in the accompanying arboricultural report.

Although a number of trees are proposed for removal none of these are high quality 'category A' specimens and their loss will not have a significant impact in the wider landscape.

If you are minded to recommend approval we will also require a detailed Arboricultural Method Statement and Tree Protection Plan in order to help ensure the retained trees are safeguarded effectively. This information can be dealt with under condition.

BMSDC Heritage

No objection.

BMSDC Air Quality

No objection.

Place Services - Landscape

The submitted Landscape Statement has been assessed based on the likely effects of the development will have on landscape character and sensitivity; it includes suitable information to ensure that potential adverse impacts of the proposed development are avoided, reduced or mitigated. The appraisal follows the principles set out in GLVIA, Guidelines for Landscape and Visual Impact Assessment (3rd Edition).

1) As part of a series of mitigation measures, the report concludes that 'whilst the landscape has the capacity to absorb some development, this is dependent on well laid out design and good planting'. If the outline application is approved (and as part of the reserved matters), the development layout needs to be produced that reflects both the recommendations of the Landscape Statement and the points included within our previous letter (dated 11/03/2018) in order to deliver a good design and landscape scheme, as set out below:

'Overall, there is a lack of green open space provision for recreation/leisure within the residential layout. A suitable green infrastructure should be delivered and must be integrated within the residential layout. Design principles to consider include:

- a. passive surveillance*
- b. links to existing and new footpaths and PROW around the site*
- c. SuDS '*

A new attenuation pond is proposed in the lower parts of the site and is adjacent to the existing gravel quarry pond. Informative sections across the proposed attenuation area and quarry pond will be required to understand how these two features will relate to each other. Additional SuDS features within the residential layout should be explored and integrated into the green infrastructure.

2) In the landscape statement report, (Proposal Layout illustration, page 9) shows new proposed woodland planting areas to the south-west and north-east of the site outside the red line to help screening the development and provide effective mitigation. If the outline application is approved, the mitigation measures included in the landscape statement report (and in addition to the woodland screening areas) are required to be included as part of the development as the proposals develop further.

3) If the outline application is approved, further information is required regarding the interface between the proposed woodland area and the existing newly established woodland to the northeast of the site.

4) A detailed landscape planting plan, landscape maintenance plan and specification, (which clearly sets out the existing and proposed planting), will need to be submitted, (if outline is approved) as part of reserved matters. We recommend a landscape maintenance plan for the minimum of 5 years, to support plant establishment. SuDS features such as attenuation pond and landscape features should also be included on the landscape management plan. This is to ensure appropriate management is carried out and to preserve functionality as well as aesthetics. Existing planting within the site boundary and proposed planting outside site boundary implemented as part of the mitigation strategy should be also included in the management plan.

5) The proposed landscape mitigation within and outside the site boundary will provide useful in contributing towards woodland and habitat creation providing additional amenity value to the proposal. If the outline is approved, any off site improvement measure need to be suitably designed and conditioned as part of the landscape proposals for the emerging layout.

6) If approved, a detailed boundary treatment plan and specification will need to be prepared and submitted as part of any future detailed reserved matters application.

There has not been any changes to the indicative layout based on the additional landscape information. As per recommendations above, the development layout needs to be produced reflecting both the

recommendations of the Landscape Statement and the points included within our previous letter (dated 11/03/2018) in order to deliver a good design and landscape scheme.

Place Services - Ecology

No objection subject to securing biodiversity mitigation and enhancement measures.

Suffolk Wildlife Trust

As set out in our letters of 23rd February 2018 and 12th April 2018, the proposed development would result in the loss of an area of woodland identified as UK Priority habitat (under Section 41 of the Natural Environment and Rural Communities (NERC) Act (2006)). Whilst the Proposed Block Plan drawing (ref. 200E) for the development includes areas of woodland planting which could act as compensation for this loss, as raised in our letter of 12th April 2018 approximately half of this appears to be outside of the red line boundary of the application (but within the current blue line boundary). Whilst it is understood that the whole area is currently under a single ownership, as this is an Outline planning application this may not be the case at the time of any Reserved Matters application (and subsequent construction). If the land is subsequently under multiple ownerships, we query how any compensation planting outside of the red line boundary can be secured, delivered and maintained in the long term?

In the absence of such certainty, we do not consider that it has been demonstrated that the proposed development will not result in an adverse impact on a UK Priority habitat. Development which would result in adverse impacts on UK Priority habitats are contrary to the National Planning Policy Framework (NPPF), Mid Suffolk Core Strategy policy CS5 and Mid Suffolk Local Plan Saved Policy CL8.

We therefore consider that as currently presented this application fails to demonstrate that the proposed development will not result in an adverse impact on UK Priority habitats. We therefore maintain our objection to this application.

Natural England

Statutory nature conservation sites – no objection.

Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites.

Priority Habitat as identified on Section 41 list of the Natural Environmental and Rural Communities (NERC) Act 2006

The consultation documents indicate that this development includes an area of priority habitat, as listed on Section 41 of the Natural Environmental and Rural Communities (NERC) Act 2006. The National Planning Policy Framework states that 'when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.'

Environment Agency

No comment.

County Fire and Rescue Service

No objection – condition requiring fire hydrants to be installed.

Suffolk Police

Concerns raised regarding detailed design matters such as layout, parking location, perimeter security and landscaping, extent of footpaths, lighting, treatment of gable end walls.

BMSDC Waste

No objection subject to standard access condition.

B: Representations

Objections received on the following grounds (summarised):

- *Scale of development out of keeping with the character of the village, disproportionate increase at approximately 50%
- *Unsafe, dangerous access with limited visibility.
- *Fails to meet the SHELAA requirements
- *Poorly related to existing settlement
- *Stormwater will flood adjacent roads
- *Great crested newts survey undertaken at wrong time of year
- *Outside settlement boundary
- *There have been recent proposals to end free school bus services
- *Loss of visual amenity to users of adjacent public footpath
- *Additional traffic generated through local villages
- *Site is known to be an area of hibernation and spawning of the Common Toad (*Bufo bufo*)
- *Burden on the sewage system and Walsham Road treatment plant
- *Former gravel pit – backfill not suitable for housing
- *Increase in roadkill
- *Block of flats - would be out of keeping with the local housing stock and would create an inappropriate skyline.
- *Scheme would establish an unwarranted precedent for further expansion especially as the application is for only part of the "field".
- *Disruption and noise in short term
- *The site is poorly related to the existing settlement, and development would cause encroachment into the open countryside.

PART THREE – ASSESSMENT OF APPLICATION

1. The Site and Surroundings

- 1.1 The application site extends to approximately 2.2 hectares and comprises agricultural land (formerly a quarry and now filled in) located on the eastern side of Hunston Road, at the southern fringe of Badwell Ash, which is designated as a Primary Village in the Core Strategy.
- 1.2 Established woodland is located west and north of the site beyond which is residential housing that forms the body of the village. To the west on the opposite side of Hunston Road is established woodland and residential properties set well back from the road. To the east of the site is an established lake, a remnant of the former gravel pit, with agricultural land further eastward, all of which (inclusive of the site) forms one landholding. To the south is Westley Way Lane, separated from the site by an open field. The site is not occupied by any buildings. The topography of the site is undulating and slopes from the top northwest corner down towards the established lake in the south-east corner.
- 1.3 The site is not in, adjoin or near a Conservation Area. The application site does not contain any listed buildings or non-designated heritage assets, nor are there any assets present immediately adjacent to the proposed development area. The nearest designated heritage asset is a Grade II listed building at Mill House, on the opposite side of Hunston Road.
- 1.4 The site is not within the boundary of a protected landscape and there are no statutory landscape designations that apply to the application site.

- 1.5 The site lies completely within Environment Agency Flood Zone 1 and, as such, is not considered to be at significant risk of flooding. EA flood Zones 2 and 3 lie adjacent to the southwest of the site, adjacent to Westley Way.
- 1.6 The formal route of a Public Right of Way (public footpath 11) forms the north west boundary of the site and extends adjacent to the proposed site access at Hunston Road and extends past the site, linking to Westley Way in the south. It has been observed that there are other informal walking routes used by the public through the site beginning from the wooded area to the far north west corner of the site.

2. The Proposal

- 2.1 The application seeks outline permission for up to 52 dwellings. All matters (with the exception of access) are reserved.
- 2.2 An indicative layout (plan 17-095-200E) shows a development of an estate style form, served by a single access point off Hunston Road and looped internal service road with short turning heads. Dwelling types include a mix of detached, semi-detached and terraced properties.
- 2.3 The proposal includes on-site delivery of 18 no. affordable homes (35% of the total number proposed) and a section 106 agreement is currently being drafted in the interest of securing this provision.
- 2.4 A landscaped attenuation pond, necessary to implement the proposed Surface Water Drainage Strategy, is proposed to the rear of the development and would sit adjacent the existing established lake/pond. In addition to the landscaping to the attenuation pond, landscaping is proposed to the southern boundary.
- 2.5 Detailed design is a reserved matter, however the applicant notes that the final dwelling design will be influenced by the local vernacular, to be in keeping with surrounding properties.

3. The Principle of Development

- 3.1 The applicant engaged with Council officers prior to submission of the application. Pre-application advice given by planning officers was broadly supportive of the principle of the proposed development, subject to agreed layout, design, landscaping and resolution of other technical planning issues.
- 3.2 Paragraph 73 of the National Planning Policy Framework (July 2018) states that: "Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old". Furthermore, paragraph 11 d) of the NPPF states that "where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: i. the application of the 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". NPPF footnote 7 states that "This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites ".

- 3.3 Mid Suffolk District Council published their latest annual monitoring report (AMR 2017-2018) on 11th July 2018. This report calculated the District's five year housing supply, at that time, at 6.5 years.
- 3.4 Following the publication of the Council's AMR, a recent appeal decision (our Ref: 2112/16, PINS Ref: APP/W3520/W/18/3194926), was issued on the 28th September 2018, relating to the proposed erection of 49 dwellings at Land on the East Side of Green Road, Woolpit. In assessing this particular case the Inspector considered the Council's assessment of its 5-year housing land supply position and the conclusions reached are considered to have wider reaching implications for the district as a whole. The Inspector concluded that the Council's 'deliverable' and 'specific' sites, as set out in NPPF paragraph 73, amounted to a 3.4 years housing land supply. The inspector, therefore, concluded that the Council cannot demonstrate a five year supply of deliverable housing sites. This appeal decision is considered to be a material consideration in determination of this particular planning application.
- 3.5 The NPPF also requires that development be sustainable and that adverse impacts do not outweigh the benefits to be acceptable in principle. Paragraph 8 of the NPPF sets out three dimensions for sustainable development: economic, social and environmental.
- 3.6 It is the consideration of planning officers that the proposed scheme represents sustainable development, responding positively to the three dimensions, in accordance with the NPPF.
- 3.7 On the basis of the above considerations, Planning Officers consider the principle of developing the site for residential purposes to be acceptable, subject to consideration of all other material planning issues. Those considered most relevant to the development proposal are set out below:

4. Nearby Services and Connections Assessment

- 4.1 Paragraph 78 of the NPPF (2018) seeks to promote sustainable development in rural areas advising that 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.
- 4.2 The site's northern boundary adjoins the village's settlement boundary. As noted above Badwell Ash is a designated Primary Village, served by a range of local services and facilities, including a village shop and post office, village hall, church and public house. The site is within walking distance of all village services and facilities via a continuous footpath network link from the site to the centre of the village.
- 4.3 Although it is noted that Badwell Ash Primary School has closed since the designation in the Core Strategy, there is a free bus service available to nearby primary and secondary schools. Two bus stops (including bus shelter) are located a short walk (100m) north of the site on Hunston Road, accessible via the existing footpath network. Bus services are also available on week days to Bury St Edmunds and Diss.
- 4.4 Your officers consider the site to be a sustainable location for housing given the accessible village services and facilities, size of community and the available bus services all within walking distance. It is accepted that there would be some reliance on the private car as a mode of transport, and this is unavoidable in such a rural location, however the close proximity of services and facilities, and access thereto, would significantly reduce the necessity for private car journeys. It is concluded that given the features of the settlement and the location of the site that it would be

difficult to refuse development on the principle of unsustainable development as set out in the NPPF.

5. Site Access, Parking and Highway Safety Considerations

- 5.1 Access is a matter sought for approval. Vehicle access to the site is proposed via a single access point off Hunston Road.
- 5.2 Paragraph 109 of the NPPF (2018) provides that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 5.3 The Local Highway Authority has been consulted and raises no objection to the proposed site access. It is considered that safe highway visibility, to Local Highway Authority standards, can be achieved. It is also considered that the local highway network can accommodate the anticipated increase in traffic generated by the proposed development.
- 5.4 The indicative layout provided with the application is considered sufficient to demonstrate, to the satisfaction of your officers, that sufficient on-site parking can be provided on the site, clear of the existing highway and the estate roads indicated, in accordance with existing parking standards provided by the LHA. Further detail regarding estate road layout and location of parking spaces will be considered at a reserved matters stage, should members be minded to approve the current outline application.
- 5.5 There is no evidence before your officers to suggest unacceptable highway safety outcomes will result that would warrant refusal provided the conditions recommended by the LHA are complied with. The proposal is, therefore, considered to be in accordance with the provisions of Paragraphs 108 and 109 of the NPPF (2018) and development plan policies T9 and T10.

6. Design and Layout

- 6.1 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.
- 6.2 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.
- 6.3 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.
- 6.4 Paragraph 124 of the NPPF (2018) attaches great importance to the design of the built environment, stating that good design is a key aspect of sustainable development.
- 6.5 Design, layout and appearance are reserved matters. Dwelling design will be encouraged at a reserved matters stage that reflects the Suffolk vernacular style of architecture and adopts a traditional palette of material finishes, as is indicated in the Design and Access Statement.

7. Landscape Impact, Trees, Ecology, Biodiversity and Protected Species

- 7.1 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.
- 7.2 Paragraph 170 of the NPPF (2018) 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.
- 7.3 The site is not in an area of special character designation such as an Area of Outstanding Natural Beauty or Special Landscape Area. Nor is the site adjoining, or in proximity to, any designated landscape areas of special significance.
- 7.4 The Suffolk Landscape Character Assessment identifies the site as being part of the Ancient Plateau Claylands. Some of the key characteristics of this LCA include:
- Flat or gently rolling arable landscape of clay soils dissected by small river valleys.
 - Field pattern of ancient enclosure – random patterns in the south but often co-axial in the north. Small patches of straight-edged fields associated with the late enclosure of woods and greens
 - Dispersed settlement pattern of loosely clustered villages, hamlets and isolated farmsteads of medieval origin.
 - Villages often associated with medieval greens or tyes.
 - Farmstead buildings are predominantly timber-framed, the houses colour-washed and the barns blackened with tar. Roofs are frequently tiled, though thatched houses can be locally significant.
 - Scattered ancient woodland parcels containing a mix of oak, lime, cherry, hazel, hornbeam, ash and holly.
 - Hedges of hawthorn and elm with oak, ash and field maple as hedgerow trees.
 - Network of winding lanes and paths often associated with hedges create visual intimacy.
- 7.5 The submitted Landscape Statement has been assessed by Council's Landscape Consultant who concludes that the report contains suitable information to ensure that potential adverse impacts of the proposed development are avoided, reduced or mitigated.
- 7.6 The Landscape Statement considers the effects the development might have upon the character of the Ancient Plateau Claylands. The Statement notes that the new housing will form a consolidated block of settlement rather than a ribbon development, a preferred outcome as ribbon development can have a considerable impact on a wider landscape characterised by clustered villages, such as the Ancient Plateau Claylands.
- 7.7 The loss of scrub vegetation in the top north-east corner of the site is a concern given this will potentially expose the development to the village. Critical will be ensuring that an appropriately planted vegetation buffer is provided at the north-eastern tip of the site, to ensure the development is well screened from Hunston Road when departing the village. The indicative layout shows very little in the way of landscaping at this point, although it must be acknowledged that landscaping is a reserved matter. As per the Landscape Consultant's advice and consistent with the recommendations in the supporting Landscape Statement, a comprehensive landscaping strategy will be essential to ensure that landscape character harm is mitigated to an appropriate degree.

- 7.8 The proposal would result in an element of harm to the existing landscape and this is unavoidable given the rural character of the site and the urbanising effect that any residential development would have. Should a comprehensive scheme of soft landscaping be proposed, as per the current indicative plans, be secured the harm will be moderate and will lessen over time as planting matures. The landscape harm must be weighed in the planning balance.
- 7.9 Policy CS5 of the Core Strategy requires development to protect, manage and enhance Mid Suffolk's biodiversity.
- 7.10 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.
- 7.11 Paragraphs 174 and 175 of the NPPF (2018) require planning authorities, when determining planning applications, to seek the conservation and enhancement of biodiversity by ensuring significant harm resulting from a development is avoided (through locating on an alternative site with less harmful impacts), or where not possible to be adequately mitigated, or, as a last resort, compensated for, and if this cannot be secured then planning permission should be refused.
- 7.12 An Ecology Report supports the application. Place Services (Ecology) concur with the findings and raise no objection provided the mitigation measures in the report are adhered to.
- 7.13 The Suffolk Wildlife Trust is concerned with the loss of woodland identified as UK Priority habitat. The Ecology Report acknowledges the woodland areas to be removed have merit with regard to species such as bats, birds' nests and terrestrial habitat for small mammals and amphibians. The scheme proposes areas of woodland planting that will offset the loss of the existing woodland habitat. Mitigation measures include limiting woodland removal to certain times of the year, including outside of the bird nest season and before hedgehog hibernation. In addition, bird and bat boxes are to be considered for the woodland area to the south. The proposed perimeter landscaping will encourage wildlife in particular amphibians and hedgehogs, encouraging them away from the road hazards at the northern end of the site. Four woodland refuge 'stands' are proposed for the new woodland area, which will decay naturally providing a diversity of refuge (for bats), nesting area and food supply for birds such as the Woodpecker and Tree creeper.
- 7.14 A number of residents, together with 'Froglife' a national wildlife charity, are concerned with potential impacts on the Common Toad (*Bufo bufo*), as the site forms part of an area known for hibernation and spawning of the toad and is nearby a patrolled toad crossing (a registered site with the Department of Transport). In response, the Ecology Report suggests the implementation of an amphibian fence, sited on the fringe of open ground and woodland/scrub. The fence should encompass the site and incorporate multiple exist funnels. The proposed woodland planting will provide terrestrial habitats of merit for local amphibians including the toad. In addition, the Ecology Report asserts that the proposed attenuation pond will provide water quality to enable prolific breeding conditions for amphibians. The woodland refuge 'stands' referred above will provide conditions for increased food supply for amphibians including the toad. The trunks of the stands will provide ideal winter refuge for the toad. Provided these measures are implemented, the impact on the Common Toad by the development should be limited.
- 7.15 Council's Arboricultural Officer has reviewed the supporting arboricultural information and raises no objection to the proposed tree removal. The proposed conditions put forward by the Arboricultural Officer, including detailed Arboricultural Method Statement and Tree Protection Plan, are agreed.

- 7.16 In conclusion the matter of landscape impact is recognised, but not considered to be a matter for refusal at principle stage. There is sufficient land available potentially for suitable landscaping to be achieved at reserved matters and the Local Planning Authority retains the ability to resist any scheme that fails to meet high quality design, layout and landscaping requirements as set up in policy and revised NPPF that has changed this year to highlight design matters.

8. Land Contamination

- 8.1 The application is not supported by a detailed Phase 1 Contamination Report. Whilst this is not preferred, it is a matter that can be adequately managed by planning condition and is considered necessary and appropriate given the former quarry use of the site and extent of backfilling that has occurred. The previous quarry use may be an issue for engineering and building control considerations and may require higher built costs to resolve, but it is not an issue that needs significant weight in regards to this outline application.

9. Heritage Issues

- 9.1 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.
- 9.2 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.
- 9.3 Where policies are out of date, paragraph 11 of the NPPF (2018) states 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.
- 9.4 Paragraph 190 of the NPPF (2018) 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.
- 9.5 Paragraph 196 of the NPPF (2018) 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.
- 9.6 Council's Heritage Team does not object to the application. The nearest listed building is a sufficient distance from the development site to ensure that impacts on the significance of the listed setting will be very limited. As noted earlier in the report, the site is not in or adjoin a Conservation Area.
- 9.7 The County Archaeological Service has not provided comment on the application. The standard archaeological suite of conditions are recommended to ensure that below ground heritage assets are appropriately protected or recorded, in the interest of advance understanding, consistent with paragraph 199 of the NPPF (2018).

10. Impact on Residential Amenity

- 10.1 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.

- 10.2 Paragraph 127 of the NPPF (2018) sets out a number of core planning principles as to underpin decision-taking, including, seeking to secure a high standard of amenity for existing and future users of developments and places.
- 10.3 The separation distance between the site and the nearest neighbouring residential properties is such that amenity impacts can be readily managed at the reserved matters stage of the development process. Internal amenity levels can also be adequately achieved and will be considered at reserved matters. The standard amenity related conditions (light, smoke, construction management plan etc) suggested by the Environmental Health Officer are supported.
- 10.4 There is nothing forming part of the application that suggests the development cannot accord with local policies H13 and H16 and paragraph 127 of the NPPF.

11. Flooding and Drainage

- 11.1 The site is located in Environment Agency Flood Zone 1 and is therefore not considered to be at significant risk of flooding. The County flood and drainage officer has reviewed the supporting Flood Risk Assessment and raises no objection to the application subject to the imposition of specified conditions. The Flood Risk Assessment includes a soakage test and found an area on the eastern boundary which displayed good rates of percolation, hence the proposed location of the infiltration basin at that point. Should the attenuation pond be exceeded the FRA advises that the pond would overtop into the adjacent lake at a level of around 2.5m below the site, so posing no threat to the development or neighbouring properties.
- 11.2 Foul water will connect to the Anglian Water network via gravity. Residents raise concern regarding the capacity of the existing sewer system. If an upgrade is deemed required by Anglian Water, the upgrade will be undertaken and proportionate costs will be borne by the applicant.

PART FOUR – CONCLUSION

12. Planning Balance and Conclusion

- 12.1 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 – the ‘tilted balance’ approach.
- 12.2 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.
- 12.3 The proposal will bring with it economic and social benefits, the most notable being the boost to the housing supply and increase in much needed affordable housing stock. Environmental benefits include habitat creation through additional woodland planting and habitat corridors. Notwithstanding the findings of the draft SHELAA (a document offering at this draft stage no planning status in respect to land parcels), the site is considered a sustainable location, within walking distance of a range of local amenities.
- 12.4 Council’s Landscape Consultant considers the development can be absorbed in a visual landscape sense to an acceptable degree. This said there will be harm resulting from the loss of open countryside. Even taking into account the mitigation offered by substantial landscape planting that will be required by condition, landscape harm falls on the negative side of the

planning balance. As does the loss of productive agricultural land. Heritage effects will be limited given the separation distance to the nearest designated heritage assets.

- 12.5 The Highways Authority does not object to the proposed access arrangement. Network capacity at this location is sufficient to absorb the likely traffic generated by the development.
- 12.6 The proposal offers obvious significant social and economic benefits. These benefits are sufficient to outweigh the environmental disbenefit associated with the landscape impact that will result from the physical change of the site from open countryside to developed land, and the loss of productive agricultural land (Grades 2 and 3).
- 12.7 On balance, the proposal constitutes sustainable development for which the NPPF carries a presumption in favour. It is recommended that outline permission be granted.

RECOMMENDATION

- (1) Subject to the prior agreement of a Section 106 Planning Obligation on appropriate terms to the satisfaction of the Corporate Manager – Planning for Growth to secure:
- Affordable Housing
 - Provision, management and maintenance of Public Open Space
- (2) That the Corporate Manager – Planning for Growth be authorised to grant Outline Planning Permission and Full Planning Permission subject to conditions including:
- Standard Outline Time Limit Condition
 - Reserved Matters to be submitted and agreed
 - Phasing Plan to be agreed
 - Approved Plans
 - Contamination Report and Unexpected Contamination
 - As recommended by SCC Highways
 - Surface water drainage scheme to agree and fully implemented as approved
 - Sustainable Urban Drainage System
 - Construction surface water management plan detailing surface water and storm water
 - Foul water strategy Anglian Water
 - Archaeological work and monitoring
 - Details of fire hydrants to be submitted
 - Arboricultural Method Statement and Tree Protection Plan
 - Construction management plan (including hours of work)
 - Implementation of landscaping scheme
 - The recommendations of the ecological report to be adhered to
 - Secure mitigation and ecology enhancement measures (Shall include swift/owl boxes and hedgehog fencing)
 - Lighting scheme – biodiversity – as recommended by place services
 - Withdrawal PD rights for extensions (not fences or outbuildings)
- (3) That in the event of the Planning obligations referred to in Resolution (1) above not being secured that the Corporate Manager – Planning for Growth be authorised to refuse planning permission on appropriate grounds.