

## **Committee Report**

**Item No:** 5

**Reference:** DC/18/03710

**Case Officer:** Alex Scott

**Ward:** Onehouse

**Ward Member:** John Matthissen

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## **RECOMMENDATION – GRANT FULL PLANNING PERMISSION WITH CONDITIONS**

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### **Description of Development**

Full Planning Application – Erection of 7 no. dwellings, garages and access road.

### **Location**

Land off Pear Tree Place, High Road, Great Finborough

**Parish:** Great Finborough

**Expiry Date:** 12/10/18

**Application Type:** Full planning application

**Development Type:** Minor Dwellings

**Applicant:** SEH (Development) Ltd

**Agent:** Artisan PPS Ltd

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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 Ward Member has requested the application be brought before the committee.

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### **Details of Previous Committee/Resolutions and Member Site Visit**

- Outline planning permission ref: DC/17/04968 was granted by committee for the erection of up to 24 dwellings on the site and adjacent land on the 23<sup>rd</sup> May 2018.

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## **PART TWO – POLICIES AND CONSULTATION SUMMARY**

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### **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

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CS04 - Adapting to Climate Change  
CS05 - Mid Suffolk's Environment  
GP01 - Design and layout of development  
HB01 - Protection of historic buildings  
HB14 - Ensuring archaeological remains are not destroyed  
H13 - Design and layout of housing development  
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  
RT12 - Footpaths and bridleways  
CL08 - Protecting wildlife habitats  
National Planning Policy Framework (NPPF)

### Supplementary Planning Documents

Suffolk Adopted Parking Standards (2015)

There is currently no neighbourhood plan for Great Finborough village or parish.

### 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

**Great Finborough Parish Council** – Strongly object - serious concerns regarding the new approach:

- Permission has already been granted on the site for 7 properties and outline consent for a further 17 on adjacent land, with associated S106 agreements, affordable housing provisions and CIL contributions;
- The current proposal is for 7 market units only, with no affordable housing provision;
- Felt that this application is a blatant attempt to avoid affordable housing provision by keeping the number of dwellings below 10;
- There is serious concern that further individual applications will be submitted for the other two phases, surely this cannot be acceptable;
- In view of the fact that MSDC can now evidence a 5yr housing land supply this new application is contrary to SB1 of the Local Plan in that its position is outside of the Settlement Boundary.
- This proposal would also be detrimental to the Visually Important Open Space that is Woodpecker hill, a community woodland, contrary to SB3.
- With no mitigating provision of community services via affordable housing provision and contributions to the village infrastructure this proposal would be detrimental to Great Finborough and it is felt extremely important to protect our open space and the character and appearance of our village from the deliberate abuse by developers of planning considerations;
- Extensive work has been put in by parish councillors and MSDC officers in order that the previous application on the site was granted and supported by the community;
- This new application does not sit well and we request that it be Refused.

#### **SCC Highways Authority**

No objection – subject to compliance with suggested conditions

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### **County Archaeological Service**

This site lies in an area of archaeological potential recorded on the County Historic Environment Record. Medieval and Post Medieval Finds and Features have been found in the vicinity (FNG 032, FNG 053), as has likely prehistoric metal and flint work (FNG 047). Thus, there is high potential for the discovery of below-ground heritage assets of archaeological importance within this area, and groundworks associated with the development have the potential to damage or destroy any archaeological remains which exist. Two standard conditions recommended.

### **MSDC – Environmental Protection - Land Contamination**

No objection to the proposed development from the perspective of land contamination. Request MSDC are contacted in the event of unexpected ground conditions being encountered during construction and that the developer is made aware that the responsibility for the safe development of the site lies with them.

### **Suffolk Wildlife Trust**

Have read the ecological survey report (MHE Consulting Ltd, August 2017) and are satisfied with the findings of the consultant. Request that the recommendations made within the report are implemented in full, via a condition of planning consent, should permission be granted.

### **Place Services - Ecology**

No objection subject to securing biodiversity mitigation and enhancement measures.

### **MSDC - Heritage**

No objection. Thatched Cottage stands facing Main Road some 70m north west of the nearest part of the site. It occupies a modest plot separated from the site by a deep belt of dense tree cover. Although the Cottage once enjoyed an open rural setting it now forms part of the continuous built form of Great Finborough, and the application site makes no real contribution to its setting or significance.

### **MSDC – Arboricultural Officer**

The boundary trees at Woodpecker Hill will require protective fencing during any development, this can be dealt with by condition. Other trees on the site itself are of insufficient public amenity value to warrant being a constraint.

### **County Fire and Rescue Service**

No response received.

### **B: Representations**

Six letters of concern or objection have been received during the course of determination. Comments received are summarised below:

- Proposal will result in loss of privacy from the back garden of a neighbouring property;
  - The impact on the surrounding area which currently has a rural countryside setting will be lost;
  - Drainage from Vale View and adjoining property follows the Southern boundary which needs to be taken into consideration;
  - There are already difficulties with visitors to Pear Tree Place being able to park and many park in what would be the access road and on curbs;
  - The road that is proposed for access is currently a private road as it was not adopted as appears to have been envisaged by the developers;
  - The access road is owned by a management company and concern is raised about the damage involved and the management company having to be responsible for this as well as the ongoing costs involved;
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- Whilst the development is not large compared to other sites locally, it is a significant increase in terms of the size of the existing development serviced by the access road and would represent a major increase in traffic using the road;
- The impact of the amount of houses would impact upon the surrounding area, particularly as there is talk of future development;
- Concern that no affordable housing has been proposed as part of the development.

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

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### **1. The Site and Surroundings**

- 1.1 The application site comprises (Grade 3) agricultural land to the south of Great Finborough, which is designated as Primary Village in the Core Strategy. It is bounded to the west by residential properties off High Road (B1115), including Pear Tree Close. Immediately to the north and abutting the application site is an area of woodland known as Woodpecker Hill, a valuable village amenity space. Undeveloped countryside bounds the site to the south east and north east.
- 1.2 The site slopes gently from west to east and is bounded by drainage ditches. The application site measures approximately 0.361 hectares and is relatively level land. Currently it is used as pasture land.
- 1.3 There is an existing vehicular access to the site from the public highway in Pear Tree Place which is not adopted highway.
- 1.4 The site is not within and does not abut a Conservation Area (there are no Conservation Areas in the village). The nearest listed building is located 70m northwest (Thatched Cottage). The site is not within the boundary of a protected landscape and there are no designations that apply to the application site. The land immediately north of the site known as Woodpecker Hill is designated Visually Important Open Space ('VIOS').

### **2. The Proposal**

- 2.1. The application seeks full planning permission for the erection of 7 no. new dwellings and garages, and construction of an estate road and driveway of the existing estate road at Pear Tree Place.
- 2.2 Overall: 3 no. two-storey, detached, 4 bedroom dwellings; 2 no. two-storey, detached, 3 bedroom dwellings; and 1 no. two-storey building containing 2 no. 1 bedroom flats, are proposed.
- 2.3 Access into the site will be via an extension to the existing Pear Tree Place access road.
- 2.4 A small area of public open space is also proposed to the northern boundary of the site, adjacent to Woodpecker Hill.

### **3. The Principle of Development**

- 3.1 The principle of new housing development on the site is considered to have been established by way of extant planning permission ref: DC/17/04968 which granted outline planning permission for the erection of 24 dwellings on the site and adjacent land on the 23<sup>rd</sup> May 2018. The publication of the current NPPF (2018) does not affect this principle.

- 3.2 The principle of the proposed development is, therefore, considered acceptable subject to assessment of all other material planning considerations. Those considered most relevant to the development proposal are set out below:

#### **4. Nearby Services and Connections Assessment**

- 4.1 Paragraph 79 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 is located in the countryside, however, it lies adjacent to the village settlement boundary. Great Finborough is a designated Primary Village, served by a good range of local services and facilities, including a Primary School, Parish Church, large Independent School, Village Hall and Public House. All of these facilities are within convenient walking and cycling distance. There is continuous footpath network along the B1115 offering good pedestrian connectivity.
- 4.3 It is acknowledged that bus services are currently limited, however the bus stop is conveniently located nearby the site (160m north).
- 4.4 The site is a sustainable location for housing given the conveniently accessible facilities that the village provides. The proposal therefore complies with the requirements of the NPPF (2018) in this regard.

#### **5. Site Access, Parking and Highway Safety Considerations**

- 5.1 Vehicle and pedestrian access to the site will be via an extension to Pear Tree Place.
- 5.2 Paragraph 108 of the NPPF (2018) states, inter alia, that in assessing specific applications for development it should be ensured that: safe and suitable access to the site can be achieved for all users; and any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 5.3 Furthermore, paragraph 109 of the NPPF (2018) provides that development should only be prevented or refused on highway safety grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 5.4 Although it is noted that in their formal consultation response the local highway authority highlights an element of concern with regards: the proposed access of plots 2 and 3 onto the proposed estate road; the location of visitor parking in connection with plots 2 and 3; and the turning head opposite plot 1, the fact that the same road and parking layout has already been approved as part of extant planning permission ref: DC/17/04968 in May 2018 is considered material. Your officers do not, therefore, consider the proposed layout would result in a severe impact on existing highway safety as per the aforementioned provisions of the NPPF (2018).
- 5.5 Overall it is noted that the local highway authority do not object to the proposal and propose conditions should the local planning authority be minded to grant planning permission.
- 5.6 It is considered that the local highway network can readily accommodate the anticipated increase in traffic generated by the proposed development.

- 5.7 Parking provision for the proposed 7 no. new dwellings is policy compliant.
- 5.8 There is no evidence before your officers to suggest an unacceptable or severe impact on existing highway safety would result, should permission be granted. The proposal is, therefore, considered to be in accordance with paragraphs 108 and 109 of the NPPF (2018) and with development plan policies T9 and T10.

## **6. Design and Layout**

- 6.1 Policy CS5 of the development plan 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 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.
- 6.5 The design, layout and appearance of the proposed 7 no. new dwellings is considered to be acceptable. The proposed two storey built form is consistent with the predominant two storey scale of neighbouring development. Finishing materials are not specified however they would appear to be largely of traditional finish. Material finishing can be managed by planning condition. The northern public open space offers an appropriate buffer to Woodpecker Hill. Landscape planting to site boundaries can be managed through a comprehensive landscaping scheme, to be required by way of condition.

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

- 7.1 Policy CS5 of the development plan 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 The NPPF provides 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 Developments of the scale proposed inevitably lead to a landscape change. In this instance the change will be relatively localised. Development will be scarcely visible from the main public thoroughfare (B1115) owing to the intervening ribbon development located immediately west of the application site. Whilst there will be an urbanising effect, the site is well related to the body of

the village and will not appear as an isolated development in the countryside. The development will appear physically integrated with the village. The development will define a new edge to the village body, not an unacceptable landscape outcome. The proposed density, 14 dwellings per hectare, is extremely low and will support retention of the landscape character. Harm in a landscape sense will be relatively limited provided a comprehensive landscaping theme is incorporated.

- 7.5 Policy CS5 of the development plan requires development to protect, manage and enhance Mid Suffolk's biodiversity.
- 7.6 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.
- 7.7 The NPPF requires 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.
- 7.8 An Ecology Report supports the application. Place Services (Ecology) raise no objection and suggested conditions are supported by officers.
- 7.9 There will be no loss of significant trees and significant landscape planting will offer enhanced local arboricultural values.

## **8. Land Contamination**

- 8.1 The application is supported by a full phase I desk based land contamination assessment. Your Environmental Protection officers have assessed the application proposal and this contamination assessment and raise no objection to the proposed development. Future occupants would not, therefore, be put at significant risk from sources of land contamination.

## **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 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.
- 9.4 The site presents negligible impacts in heritage terms. As noted earlier in the report, the site is not in or abut a Conservation Area and there are no Conservation Areas in the village. The nearest listed building is located 70m northwest (Thatched Cottage) and Council's Heritage Team raise no objection in respect to impacts on the setting of this building given the separation distance and intervening buildings and vegetation.

## **10. Impact on Residential Amenity**

- 10.1 Policy H13 of the development plan seeks to ensure new housing development protects the amenity of neighbouring residents. Policy H16 of the development 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 indicative layout demonstrates the site is readily capable of accommodating 7 no. dwellings in a manner that will not unduly compromise the residential amenity of future occupiers of the development or occupiers of neighbouring dwellings. The proposed dwellings give no rise to unacceptable amenity impacts, owing largely to the considerable separation distances between the plots and existing neighbouring dwellings.
- 10.4 Internal amenity for future occupiers of the proposed dwellings is of a sufficient standard, with all dwellings provided reasonable levels of private open space and appropriate aspect/outlook. Solar and daylight access levels are adequate, and whilst there will be a level of intervisibility between properties, appropriate privacy is afforded to each plot. Separation distances between dwellings and carefully sited garages ensures any visual bulk effects will be minimised, safeguarding future occupants' amenity.
- 10.5 The proposal accords with the aspirations of local Policies H13 and H16 and paragraph 127 of the NPPF (2018).

## **11. Flooding and Drainage**

- 11.1 The site is not prone to flooding, located in Flood Zone 1. It is considered that any issues regarding surface water management can be resolved via planning conditions, established industry practice for detailed engineering matters of this ilk.

## **12. Affordable Housing**

- 12.1 The Parish Council and several representations received have raised concerns with regards the lack of affordable housing provision proposed as part of the current development proposal.
- 12.2 Altered policy H4 of the Mid Suffolk Local Plan (First Alteration 2006) provides that the district planning authority will seek to negotiate an element affordable housing of up to 35% of the total provision of housing on appropriate sites. Negotiations with developers will take account of the identified local needs. The economics and viability of development and the availability of local services.
- 12.3 Policy H4 provides further that the size thresholds for this policy are: Sites of 15 dwellings or more, or sites of 0.5 hectare and above, in Stowmarket and Needham Market; or Sites of 5 dwellings or more on sites of 0.17 hectare and above, in the remainder of Mid Suffolk.
- 12.4 Policy H4 concludes by providing that to prevent the loss of affordable housing to the general housing market, the District Planning Authority will, where appropriate, expect long term safeguards to be in place to ensure the benefit of affordable housing will be enjoyed by successive occupiers. This will normally be secured by an agreement under section 106 of the Town and Country Planning Act 1990.

- 12.5 Further to the above development plan policy provision, paragraph 63 of the NPPF (2018) provides that provision of affordable housing should not be sought for residential developments that are not major developments. Notwithstanding the policies contained within the development plan, the NPPF and associated guidance are material planning considerations, required to be taken into account by decision makers.
- 12.6 Although the development proposal fits the size thresholds for affordable housing provision, as set out in development plan policy H4, the development proposal does not represent major development as it is a residential development proposal for less than 10 dwellings, on a site of less than half a hectare.
- 12.7 In accordance with the provisions of paragraph 63 of the NPPF (2018) as a material planning consideration, therefore, affordable housing should not be sought as part of this particular development proposal.

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## **PART FOUR – CONCLUSION**

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### **13. Planning Balance and Conclusion**

- 13.1 The principle of new housing development is considered to have been established by way of extant planning permission ref: DC/17/04968 on the site, granted in May 2018.
- 13.2 Your officers conclude the material considerations contained within the NPPF (2018) 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.
- 13.3 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.
- 13.4 The proposal will bring with it economic and social benefits, the most notable being the boost to the district’s housing supply. The site is a sustainable location, within walking distance of a good range of local services.
- 13.5 The proposed development is physically well related to the village, set adjacent the settlement boundary. Extending an existing access road is a logical and anticipated development outcome. 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 less than moderate. There will be no adverse heritage effects.
- 13.6 Highway safety outcomes are appropriately safeguarded, with the Highways Authority raising no objection to the proposed extension of Pear Tree Place. Parking provision is policy compliant.
- 13.7 The layout and design of the 7 no. dwellings are acceptable, as are residential amenity outcomes.
- 13.8 There are no compelling reasons to withhold the grant of full planning permission for 7 no. dwellings on the site. Identified harm will be modest. The proposal constitutes sustainable development for which the NPPF carries a presumption in favour and therefore the application is recommended for approval.

## **RECOMMENDATION**

(1) That the Acting Chief Planning Officer be authorised to Approve Planning Permission subject to conditions as summarised below and those as may be deemed necessary by the Corporate Manager:

- Standard Time Limit Condition
- Approved Plans
- Details of materials and colour finishes
- Archaeological work and monitoring
- Surface water drainage scheme to be agreed and fully implemented as approved
- Conditions as recommend by Highways
- The recommendations and mitigation measures of the ecological report to be adhered to
- Detailed hard/soft landscaping to be submitted prior to commencement above slab level
- Implementation of landscaping scheme

(2) And the following informative notes as summarised and those as may be deemed necessary by the Corporate Manager:

- Pro active working with NPPF standard note