

## **Committee Report**

**Item No: 1**

**Reference: DC/18/05021**

**Case Officer: Vincent Pearce**

**Ward: Eye**

**Ward Member:**

[temporary support being provided by Cllr Nick Gowrley]

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## **RECOMMENDATION – GRANT OUTLINE PLANNING PERMISSION SUBJECT TO CONDITIONS**

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### **Description of Development**

Outline planning application (some matters reserved) - residential development for up to 126 dwellings and associated infrastructure including access

### **Location**

Land adjoining Tuffs Road and Maple Way, Eye

**Parish:** Eye

**Expiry Date:** 24/09/18

**Application Type:** Outline Planning Permission

**Development Type:**

**Applicant:** Peter, Sylvia, and Andrew West & Future Habitats Ltd

**Agent:** AAH Planning Consultants

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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:

- It is a 'Major' application for a residential development for 15 or more dwellings.
- The Acting Chief Planner considers the application to be controversial in the light of substantial local objection

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

It is expected that the site will have been the subject of a formal Sub-Committee site visit on Tuesday 18 December 2018. Those Members in attendance will have been invited to view the site from a number of vantage points and to experience the wider context including access from Victoria Hill via estate roads and Tuffs Road and Maple Way. The visit will be supplemented by a presentation by the case officer at the sub-committee meeting that will include photographs of the site and surroundings for those members who were not able to attend the formal site visit.

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

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### **Summary of Policies**

NPPF National Planning Policy Framework 2018, including

- Paragraphs 2 & 47: Determination of applications in accordance with the Development Plan unless...
- Paragraph 8: The three overarching objectives of the planning system [sustainability]
- Paragraph 11: The tilted balance
- Paragraphs 48 & 49: emerging local plans and prematurity
  
- Section 5: Delivering a sufficient supply of homes
- Section 9: Promoting sustainable transport
- Section 15 Conserving and enhancing the natural environment
- Section 16: Conserving and enhancing the historic environment

### **Core Strategy Focused Review 2012:**

FC01 - Presumption In Favour of Sustainable Development

FC01\_1 - Mid Suffolk Approach to Delivering Sustainable Development

FC02 - Provision and Distribution of Housing

### **Core Strategy 2008:**

CS01 - Settlement Hierarchy

CS02 - Development in the Countryside & Countryside Villages

CS05 - Mid Suffolk's Environment

CS06 - Services and Infrastructure

### **Mid Suffolk Local Plan 1998:**

GP01 - Design and layout of development

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

CL02 – Special Landscape Areas

CL08 - Protecting wildlife habitats

### **Supplementary Planning Documents:**

Suffolk Adopted Parking Standards (2015)  
Suffolk Design Guide

### **Strategic Housing & Employment Land Availability Assessment [SHELAA] 2017:**

The subject site forms part of site SS0014 allocated in the Draft SHELAA (August 2017). In respect to development suitability the Draft SHELAA states:

*'Site is potentially suitable, but the following considerations would require further investigation: Highways – regarding access, footpaths and infrastructure required Landscape- site is within a Special Landscape Area*

*The site is potentially considered suitable for residential development, taking identified constraints into consideration.'*

The estimated yield recommended in the Draft SHELAA (August 2017) is 150 dwellings.

**That document currently has no weight as a material planning consideration as (i) the site is not allocated for development in the Statutory Development Plan and (ii) the Emerging Local Plan has yet to advance beyond an early stage and therefore attracts no weight.** [NPPG advises that the Emerging Local Plan only gains material weight once it has been 'Submitted' for Examination and that will not occur until the first half of 2019.]

*[please note this report was written in Mid-December in order to meet the pre-Christmas deadline for reports for the 16 January 2019 Sub Committee meeting. The presenting officer will provide a verbal update on the Emerging Local Plan timetable at the meeting.]*

### **Draft Eye Neighbourhood Plan**

At the time of writing this report the Draft Eye Neighbourhood Plan had reached **Stage 3. Reg. 14 Pre-submission Consultation (9 Nov to 21 Dec 2018)**. [abbrev. ENPPSD] Consequently at the time of writing this report that document had not progressed sufficiently far enough to attract weight as a material planning consideration. The case officer will verbally update the Sub-Committee at the meeting as to the weight that can be afforded the emerging Eye Neighbourhood Plan by the time of the meeting which will be approximately 4-weeks after the closure of the pre-submission consultation period.

It should be noted that at paragraph 4.40 of the ENPPSD in the Section titled 'Sites Not proposed for Development' specific reference is made to the application site:

Site (reference numbers are those used on SD3)	Reason
Site 1a Land to the North of Maple Way	The site is within a Special Landscape Area and access via Maple Way and Bellands Way is very poor. The site has been put forward as an option for a reserve site but there is a very strong public preference for land north west of Castleton Way – see Policy Eye 10.

Elsewhere the ENPPSD indicates sites preferred for development to deliver some 685 dwellings up to 2036 and the Town Council therefore argues that this site is not required.

Looking at Supporting Document 3 [Background Evidence] [July 2018] to the ENPPSD reference is made to local reaction [based on survey of 100 people] to the possible allocation of this site for housing including where it reports:

**“Housing**

*Should all these sites be allocated meaning more than 300 houses in addition to the 290 dwellings that have permission already?*  
 64 people opposed the allocation of 300 additional houses – nobody supported it.

*Should none of the additional sites be allocated?*  
 19 thought no further land should be allocated over and above the site that already has permission.

*If only some of the sites should be allocated which sites do you prefer?*

**.... Land to the East of Century Road?  
 12 people supported this....”**

Supporting Document 5 Site Allocations to the ENPPSD [June2018] makes specific references to the site, including:

**Table 3.3: Sites Identified by Eye Town Council**

ETCSite Ref.	SHELAA (2017) Reference	Proposed Use	ETC Comment	Available	Take Forward to be Assessed for Suitability?
1a	SS0014	Housing	The site might affect a landscape designation to the east. ETC’s main concern is that it is difficult to see it contributing to wider areas such as replacement school site, new cycleways/footways or road improvements.	Yes – submitted in the 2017 SHELAA	Yes – found suitable in the 2017 SHELAA.

It should be noted that ENP considered two sites east of Century Way and these were described as site 1a [the current application site] and site 1b the adjacent field to the east.



In Table 4.1 [Site Assessment Summary Table] of Supporting Document the following Neighbourhood Plan Site Assessments are suggested:

**“Site 1a”**

The site is considered potentially suitable for allocation if identified constraints are addressed, including access. The site is within a Special Landscape Area. Policy CL2, Development within Special Landscape Areas of the Mid Suffolk Local Plan 1998 Saved Policies (2004), states that “particular care will be taken to safeguard landscape quality, and where development does occur it should be sensitively designed, with high standards of layout, materials and landscaping.” Therefore, this does not restrict development, but special consideration would be needed in design on any development in this location. The site is not within or adjacent to any environmental or heritage designations. It is unlikely the site has significant ecological value because it is a working agriculture field. A recent outline planning application was submitted on the site (DC/18/0177) for residential development for up to 126 dwellings and associated infrastructure including access.” [taken from Neighbourhood Plan Assessment [table 4.1] page 27. ENPPSD5]

**“Site 1b”**

The site’s availability is unknown. Until this is confirmed, the site cannot be allocated in the plan. There are also significant constraints to development in this location.

There is no existing access to the site.

Access is reliant is on passing through Site 1(a). The site is within a Special Landscape Area. Policy CL2, Development within Special Landscape Areas of the Mid Suffolk Local Plan 1998 Saved Policies (2004), states that “particular care will be taken to safeguard landscape quality, and where development does occur it should be sensitively designed, with high standards of layout, materials and landscaping.” Therefore, this does not restrict development, but special consideration would be needed in design on any development in this location.

Although parts of the site are more than 800m from the town centre, the site is within reach of town services and amenities and close to bus stops.” *[taken from Neighbourhood Plan Assessment [table 4.1] page 27. ENPPSD5]*

### **Statement in respect of the current 5YHLS in Mid Suffolk**

As a result of the Woolpit Appeal decision [28 September 2018] the Inspector in that case concluded that the Mid Suffolk District Council could not demonstrate that it had a 5-year Housing Land Supply. He estimated the 5YHLS to be **3.4 years**. [Decision letter 28 September p.14 paragraph 73]. It is clear from the Woolpit decision that the new NPPF has significantly raised the bar in the evidence required to demonstrate deliverability. Whilst the Council may currently be reviewing its estimates of expected delivery it must accept that until it is able to demonstrate that it has a 5YHLS the Inspectors assessment will be the benchmark.

On this basis it must be accepted that the ‘tilted balance’ will continue to apply in Mid Suffolk and that significant regard must now be given to paragraph 11 of the NPPF [2018].

### **Constraints**

The site is....

- outside of the defined settlement boundary for Eye [inset 30 Proposals Map – 1998 ALP]
- within a Special Landscape Area [SLA] [a non-statutory designation]
- Grade 2 agricultural land
- not occupied by any heritage asset [or any buildings]
- not within or adjacent to a conservation area
- some distance from any heritage asset – the closest being a Grade II listed building 105m to north west of the north-west corner
- not subject to a Tree Preservation Order [TPO] or adjacent to a site with a TPO/s
- within Flood Zone 1
- adjoined by designated public footpaths no. 16, 17 and 36

### **Relevant Planning History**

DC/18/01777: identical proposal to the one now before members. Subject of an appeal against non-determination. PINS has yet to provide a ‘Start Date’

In the event that Members agree the recommendation contained in this report in respect of DC/18/05021 then it is expected that the appeal against DC/18/01777 will be withdrawn

## **Consultations and Representations**

During the course of the application consultation and representations from third parties have been received as follows.

### **A: Summary of Consultations**

**Eye Town Council:** strongly object - stating:

“Concerns over traffic movement on the estate (Bellands Way) during development and after. It is outside of the settlement boundary. Already large development of 280 hours approved which need to settle in. We have a huge infrastructure deficit. Impact pm schools/doctors surgery etc IT is against policy H7. Related development to the needs of the countryside. H16 against the needs of the community. Does not conserve and enhance natural and historic environment. The Town Council strongly objects.”

### **SCC Highways**

Taking all the data collated for transport assessment into account, it is our opinion that this development would not have a severe impact (NPPF para 32) therefore we do not object to the proposal.

The road geometry/layout of the development is straight in design – it may be beneficial to look at the Suffolk Design Guide - ‘Spatial Organisation’ shows ‘points of interest’. Also, on a matter of safety, straight sections of carriageway may encourage ‘racing tracks’ for mopeds/motorcycles, especially as the layout is a circuit in nature.

Section 106:

Public Transport Bus stop would benefit with some improvements and Real Time Passenger Information signs have been requested by the Senior Infrastructure Officer. Therefore, we require the applicant to provide a contribution of £25,000 towards these works.

The Travel Plan (dated April 2018) that was submitted on behalf of the planning application does identify some suitable measures, but they are only going to have some limited benefit to only a handful of residents. It is suggested implementing the Travel Plan could be better spent on sustainable transport mitigation through a “Smarter Choices” scheme in the wider area in Eye. Travel Planning across a wider area for new development is encouraged by the 2014 Planning Practice Guidance, which is linked to the NPPF.

The estimated cost of this Smarter Choices measure includes officer time, marketing, provision of travel to school measures, monitoring the success of the smarter choices scheme using traffic counts, surveys and uptake of the measures on an annual basis. The estimated total cost £250 per dwelling - £31,500 total (contribution which will need to be index linked to protect against inflation)

If the applicant does not wish to pursue this suggested smarter choices scheme the following amendments will need to be made to the Travel Plan submitted on behalf of this application:

- The Travel Plan has no link to the supporting Transport Assessment, as there is no reference to the predicted vehicular trip generation and distribution that the Travel Plan is put in place to mitigate. This is a requirement of the NPPF and the “Travel Plans, Transport Assessments and Statements” section of the 2014 Planning Practice Guidance
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- The Residents Travel Pack will need to offer a multi-modal travel voucher to the value of two one month bus tickets for travel to Diss (the main commuter destination from Eye according to the 2011 Census data)
- There is no suitable Travel Plan management and monitoring strategy after the site is occupied. This would require the Travel Plan to be fully implemented by the applicant through the Travel Plan Coordinator from occupation, for a minimum period of five years or one year after the final dwelling has been occupied, whichever is the longest duration. There will also need to be a commitment to submit a revised, or Full Travel Plan after the baseline monitoring has been completed on occupation of the 100th dwelling. The monitoring must primarily be based on traffic counts at all the vehicular access points to the site for a minimum of two weeks and avoiding public and school holidays
- Targets and remedial measures will need to be identified in the Travel Plan if the targets are not achieved. A target to ensure that the vehicular trip generation (to be formally agreed by SCC) that was identified in the supporting Transport Assessment must be included in the Travel Plan as a minimum
- A stronger marketing strategy to further encourage the residents to travel sustainably after occupation. Marketing measures such as the Travel Plan Coordinator providing regular newsletters, setting up a dedicated webpage and social media and Travel Plan event days will need to be included in the Travel Plan.

This Travel Plan or Technical Note that overcomes the Travel Plan comments raised will need to be revised and resubmitted to Suffolk County Council (as the Highway Authority) prior to the determination of this application.

Also to ensure that the Travel Plan (if the applicant wishes to oversee it) is implemented and monitored in full, the following Section 106 obligations will be required if the application is permitted, as planning conditions are unlikely to be sufficient due to the size and possible phasing of the development:

- Approval and implementation of the Interim Travel Plan (the Travel Plan can also be appended to the Section 106 agreement)
- Approval and full implementation of the Full Travel Plan
- Monitoring the Travel Plan for a minimum of five years after occupation of the 100th dwelling
- Securing and implementing remedial Travel Plan measures, such as the Smarter Choices scheme if the vehicular reduction targets are not achieved, or if the trip rate in the Transport Assessment is exceeded when the site is occupied

All the contributions and obligations have taken into account CIL regulation 122 and are:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development

Full wording for the proposed Section 106 obligations can be supplied at a later date if planning permission is granted.

**SCC – ROW Officer**

No objection.

**Highways England**

No objection.

**BMSDC – Heritage**

The Heritage Team considers that the proposal has the potential to cause

- Less than substantial harm to a designated heritage asset because development on the site has the potential to harm the setting of the listed buildings to the north.
- The Heritage Team does not



oppose the principle of development on the site, but on a reduced scale, due to the constraints of the designated heritage assets.

The heritage concern relates to the impact of the development on the setting of numerous heritage assets consisting of:

- Bromeland Cottage, Oak Cottage and 81, Langton Green, all Grade II C18 cottages.
- The Church of St Peter and St Paul, a Grade I Listed mainly C14 church.
- The remains of Eye Castle, a Scheduled Ancient Monument.

The proposed site development boundary abuts a triangular shaped area of uncultivated land to the rear of the C18 cottages. This green space and the agricultural land beyond to the east are considered to make an important contribution to the setting of the three listed C18 cottages. The development has the potential to be detrimental to the setting of these heritage assets because a considerable portion of the agricultural land to the east would be lost as part of the development, fundamentally changing their rural character. The Heritage Team therefore recommends that consideration is given to leaving an agricultural buffer at the northern corner of the proposed site at reserved matters application stage, to mitigate this harm.

The development also has the potential to impact the setting of the Church of St Peter and St Paul. The church is a dominant feature in the landscape, including from the public track that runs along the northern boundary of the proposed development site. The development would encroach upon views of the church, but a significant proportion would remain unaltered. Therefore, the overall harm to the setting of the church is negligible.

In conclusion, the impact of the application on the designated heritage assets should be taken into consideration when weighing up with the public benefits of the proposal, as per the requirements of para.134 of the NPPF and the policies in the Local Plan.

### **SCC - Flood and Water**

Approval subject to standard conditions.

### **SCC Archaeology**

This large site has very high archaeological potential. It is situated in a topographically favourable location for archaeological activity overlooking the River Dove, and archaeological investigations in the vicinity have identified extensive, multi-period archaeological remains. Recent archaeological evaluation to the west as part of the adjacent Eye airfield housing scheme has defined extensive archaeology, dating from the Neolithic, Iron Age and Roman periods, as well as a probable Anglo-Saxon cemetery (EYE 123). Roman and Saxon settlement activity has also been recorded during previous archaeological investigations at Hartismere High School (EYE 083 and 094) and several other probable Anglo-Saxon cemeteries have been identified through metal detected artefact scatters along the valley. Archaeological investigations as part of the Eye Progress Power scheme to the north-west have identified an area of Roman settlement as well as evidence of medieval occupation, plus the remains of prehistoric and Roman field systems. Multi-period finds scatters are recorded within and around the proposed development site and geophysical survey of this area has identified a series of anomalies which are likely to be archaeological in origin. As a result, there is high potential to encounter previously unknown archaeological remains at this location, which has never previously been subject to systematic archaeological evaluation, and the proposed development would cause significant ground disturbance that has potential to damage or destroy any below ground heritage assets that exist.

Given the high potential and lack of previous investigation of the proposed development area, I recommend that, in order to establish the full archaeological implications of this area and the suitability of the site for the development, the applicant should be required to provide for an archaeological evaluation of the site prior to the determination of any planning application

submitted for this site, to allow for preservation in situ of any sites of national importance that might be defined (and which are still currently unknown). This large area cannot be assessed or approved in our view until a full archaeological evaluation has been undertaken, and the results of this work will enable us to accurately quantify the archaeological resource (both in quality and extent). This is in accordance with paragraphs 128 and 129 of the National Planning Policy Framework.

Decisions on the suitability of the site, and also the need for, and scope of, any further work should below-ground heritage assets of significance be identified, will be based upon the results of the evaluation.

In order to establish the archaeological potential of the site, a trial trenched archaeological evaluation and metal detecting survey are required to ground truth the geophysical survey results. The results of the evaluation should be presented as part of the planning application for this site, along with a detailed strategy for further investigation and appropriate mitigation. The results should inform the development to ensure preservation in situ of any previously unknown nationally important heritage assets within the development area.

### **Anglian Water**

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

Development will lead to an unacceptable risk of flooding downstream. A drainage strategy will need to be prepared in consultation with Anglian Water to determine mitigation measures.

The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable. No evidence has been provided to show that the surface water hierarchy has been followed as stipulated in Building Regulations Part H. This encompasses the trial pit logs from the infiltration tests and the investigations in to discharging to a watercourse. If these methods are deemed to be unfeasible for the site, we require confirmation of the intended manhole connection point and discharge rate proposed before a connection to the public surface water sewer is permitted. We would therefore recommend that the applicant needs to consult with Anglian Water and the Environment Agency.

We request that the agreed strategy is reflected in the planning approval.

### **SCC Strategic Development**

Education:

Based on existing forecasts, SCC will have no surplus places available at the catchment schools. On this basis, at the primary school level a future CIL funding bid of at least £377,611 (2018/19 costs) will be made and at the secondary school level a future CIL funding bid of at least £503,345 (2018/19 costs) will be made

Pre-school:

From these development proposals SCC would anticipate up to 13 pre-school children arising, at a cost per place of £8,333.

This proposed development is in the Eye ward, where there will be an existing deficit of places. On this basis, a future CIL funding bid of £108,329 (2018/19 costs) will be made.

Libraries:

A CIL contribution of £216 per dwelling is sought i.e. £27,216, which will be spent on enhancing provision at the nearest library.

### **NHS England**

No objection subject to securing financial contribution through CIL regulations.

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## **Environmental Health - Land Contamination**

No objection.

## **SCC Fire Officer**

No objection.

## **BMSDC Strategic Housing**

The preferred open market mix: -

- 2 bed bungalows
- 3 bed chalet bungalows
- 2 bed houses
- 3 bed houses
- 4 bed houses

The Local Housing Needs survey has not yet been concluded and this will help inform any open market mix needed for Eye once published.

The inclusion of the bungalows would be welcomed as this will provide opportunities for older people to downsize and free up family accommodation in the village.

44 of the proposed dwellings on the development should be for affordable housing.

On the basis that the full 35% affordable housing will be sought, it should be provided as follows:

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Rented 75% = 33 units

- 4 x 1 bedroom 2-person houses @ 58 sqm
- 4 x 2 bedroom 4-person flats @ 70 sqm
- 13 x 2-bedroom 4-person houses at 79 square metres
- 6 x 2 bedroom 4-person bungalows @ 70 sqm
- 6 x 3 bedroom 5-person houses @ 93 sqm

Shared ownership 25% = 11 units: -

- 7 x 2 bed 4-person houses @ 79 sqm
- 4 x 3 bed 5-person houses @ 93 sqm

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

## **Place Services - Ecology**

I have reviewed the Preliminary Ecological Assessment (Skilled Ecology, March 2018) submitted by the applicant, relating to the likely impacts of development on Protected & Priority habitats and species. I have also reviewed the Skylark Survey (Skilled Ecology, May 2018).

The Skylark Survey indicates that the agricultural crop at the time of the survey was autumn sown wheat, which provides a less favourable nesting habitat for Skylarks. To verify the Skylark record, I contacted the Suffolk Biodiversity Information Service (SBIS). The record from 2016 was noted as a singing Male Skylark at height. Therefore, this confirms that Skylarks are using the agricultural field as a breeding site. This was likely when crops were appropriately rotated to provide a favourable nesting habitat for the species.

Consequently, a Skylark Mitigation Strategy will need to be secured as a condition of any consent for provision at Reserved Matters stage. This will need to include offsite Skylark nest plots (similar to Agri-Environment Scheme option 'AB4 Skylark Plots'), 2 per pair of skylark

disturbed or displaced, to be secured by legal agreement in nearby agricultural land for a period of 10 years.

Following the recommendations of Browne et al. (2000)<sup>1</sup> on territories of Skylarks in Cereal Crops, the total area lost from the development is likely to affect one breeding pair of Skylark. Therefore, two nest plots should be provided as compensatory habitat for this application.

#### **BMSDC Environmental Health – Sustainability**

No objection.

#### **BMSDC Environmental Health – Noise/Odour/Light**

Given the location there will be an increase of traffic in the surrounding areas although having two access roads could lessen the impact for some. I also do have some concerns about the likelihood of loss of amenity to surrounding residential dwellings during the groundworks and construction phases of the development. Therefore, although I have no objection, in principle, to the proposed development, should planning permission be granted and a full application be submitted it should contain a construction management plan.

All works and ancillary operations, which are audible at the site boundary, or at such other place as may be agreed with the Council, shall be carried out only between the hours of 8am and 6pm on Mondays to Fridays and between the hours of 9am and 1pm on Saturdays and at no time on Sundays and Bank Holidays. Deliveries shall only be made during these hours.

#### **BMSDC Air Quality**

No objection.

### **B: Representations**

27 submissions, including 25 objections, received based on the following grounds (summary):

- \*Strain on infrastructure – roads, health care, schools,
- \* Cumulative impact owing to approved 280 dwelling development at Eye airfield
- \*Highway safety concerns.
- \*Insufficient road network capacity
- \*Impact on character and appearance of the area
- \*Impact on the setting of nearby listed buildings
- \*Adverse impact on experience along ROW
- \*Flood risk
- \*Overlooking
- \*Green belt land
- \*No details regarding construction management
- \*Change in outlook and privacy
- \*Property devaluation
- \*Impact on wildlife

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

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### **1.0 The Site and Surroundings**

- 1.1. The application site is located on the north-eastern fringe of Eye, a designated 'town' in the Core Strategy 2008. The 5.7ha site is bounded on its western and southern sides by residential development, including Tuffs Road to the western boundary with Century Road beyond and Maple Way to the southern boundary. Open countryside is located to

the east and north. The site's western and southern boundaries immediately adjoin the village settlement boundary.

- 1.2. The site forms part of a much larger arable field and is bordered by a mixture of hedgerows and close boarded panel fencing on the domestic boundaries. The site does not have direct street/road frontage other than the potential afforded at the existing termination points of Maple Way and Tuffs Road.
- 1.3. The nearest listed buildings are three Grade II listed cottages located north of the site fronting Victoria Hill. The nearest listed property is approximately 100m from the site's northern boundary.
- 1.4. The site is not in, adjoining or within proximity of a Conservation Area or Special Area of Conservation. The site is in a Special Landscape Area.
- 1.5. The nearest bus stops are located on Victoria Hill west of the site.
- 1.6. Other than the site's margins it is featureless. It is also generally flat. The edges are generally demarcated by hedgerow and trees although in places some of the flora has been cleared adjacent to recent residential development where garden fences and means of enclosure are on view.
- 1.7. The site is bounded on its four sides as follows:
  - West: rear & side gardens [Oak Crescent, Century Way & Tuffs Road]
  - North: FP no 36 and fields beyond
  - East: fields
  - South: rear gardens [Maple Way]

## **2.0 The Proposal**

- 2.1 Outline planning permission with all matters reserved, except access, is sought for 125 dwellings. Access to the site would be from the west - Tuffs Road via Century Road and the south - Maple Way via Bellands Way.
- 2.2 Although matters of appearance, landscaping, layout and scale are not formally submitted for determination, the submission is accompanied by an indicative proposed internal road layout. The plan does not show any layout details in respect to dwelling siting or plot sizes, orientation etc. The plan illustrates the following key features:
  - Centrally located public open space area
  - Proposed landscaping to site boundaries.
  - Proposed attenuation pond to the south-eastern corner of the site
  - Four zones of residential development, ranging in density from 31 to 36 dwellings per hectare.
- 2.3 The proposal is accompanied by the supporting documentation that includes:
  - Accessibility Plan

- Archaeology Assessment [desk based]
- Archaeology geophysical survey report
- Design & Access Statement
- Heritage Impact Assessment
- Interim Travel Plan
- Phase 1 contamination report
- Flood Risk Assessment [FRA] + revised FRA
- Skylark survey
- Social, economic and environmental benefit statement

2.4 Members are therefore not only being asked to consider the principle of the proposed residential use and the proposed access arrangements but also to do so in the knowledge that the applicant if successful will seek to construct up to 126 dwellings. The application was initially accompanied by an 'illustrative' estate road layout drawing on which the applicant sought to demonstrate how layout might be ultimately be organised around the estate road framework. There was potentially some confusion on the part of the development management service as to whether the applicant intended that drawing to be considered as part of the access detail but the agent confirmed that it was not. That drawing therefore does not form part of the application falling to be determined. [it should be noted that the development management service considered the illustrative estate road layout likely to result in poor townscape below the quality expected - irrespective of [and without prejudice to] the question of principle.]

2.5 In the event that after consideration of all material considerations Members find the proposal acceptable it should be noted that unless the number of units is conditioned the permission in terms of overall dwelling numbers will not be fixed. It should also be noted that whilst all matters except access are reserved experience indicates that unless total unit numbers are conditioned the 'up to' number suggested in the description of any development is perceived after the event by developers as the actual number rather than the upper limit only if all other aspects of policy can be satisfactorily accommodated. To that extent reference to 'up to' can be misleading. Members are therefore advised to assess the merits of the proposal in the light that reserved matters approval for 126 dwellings may be sought rather than a lesser number. This report will therefore provide commentary upon the merits of the indicative layout and the extent to which it accords with policy.

2.6 The application is supported with a provisional commitment to providing community gain via a S106 Agreement included in which is a commitment to provide 35% affordable housing.

2.7 At its crudest the density of the proposed development [gross] is 22 dwellings per ha. which is relatively low. [126 dwellings across 5.74ha].

### **3.0 Assessment of the Merits of the Proposal**

3.1 Council's are advised by the Government in paragraph 8 of the NPPF [2018] that the planning system has three overarching objectives:

*"Paragraph 8:*

*Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):*

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 owing to a low carbon economy.”*

3.2 Consequently these themes will be repeatedly explored throughout this report as they deliberately form what is described by the Government as the 'golden thread' that runs throughout the planning system, holding it together, giving it shape and glinting to attract admiring attention.

3.3 In determining this application *[and all others]* the Council must have at the heart of its deliberations appropriate regard to the advice contained in paragraph 11 of the NPPF where the all important '**Presumption in Favour of Sustainable Development**' is described for decision takers:

“Paragraph 11:

Plans and decisions should apply a presumption in favour of sustainable development.

.....for **decision-taking** this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) 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 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.”

**3.4 This report will give very careful consideration to what is set out in paragraph 11 above because in determining this application the Council is currently in the position described by (d) above (where it cannot presently demonstrate a five-year supply of deliverable housing sites) and therefore an important point for the consideration of the application is that planning permission should be granted .....that is..... unless either of the circumstances described in (i) or (ii) apply.**

3.5 The key planning issues raised by this application are considered to be:

1. The principle of the proposed residential use and the extent to which it represents an unacceptable and unjustified Departure from the Adopted Local Plan
2. The effect of the proposal on pedestrian and highway safety
3. The effect of the proposal on the local foul drainage system and any associated adverse environmental impacts in terms of overflow pollution on local streets
4. The weight to be afforded to the Adopted Local Plan in the light paragraph 11 of the NPPF
5. The extent to which the Council's inability to demonstrate that it has a 5YHLS in Mid Suffolk tips the application of the 'tilted balance' firmly towards granting planning because to do so will help to address the strategic shortfall in housing numbers in the District.
6. The extent to which the proposed development when judged individually and cumulatively can be considered to be sustainable development in the context of local and national planning policy and the extent to which public benefits arising from the development might outweigh any harm
7. The extent to which the development will adversely impact the character of the village and its countryside setting.
8. Impact on residential amenity
9. The extent to which the development will harm the character of the countryside hereabouts

Other impacts may also be material and if so will also be explored herein.

#### **4.0 The Principle of Residential Development**

4.1 Eye is defined as a 'Town' within the Core Strategy Settlement Hierarchy [CS1].

4.1.2 CS1 requires the majority of new development in the District to be directed towards defined 'Towns' sitting as they do at the apex of the settlement hierarchy.

4.1.3 The site lies outside of the settlement boundary for Eye [inset map 30 'Eye' Adopted Local Plan 1998.]

4.1.4 The application was put forward by the owners during 'Call for Sites' stage of the Emerging Local Plan. The Council has yet to publish and consult upon its 'Preferred Options and Draft Site Allocations' and so the fact that the site is shown as a possible option through the 'Call for Sites' process currently carries no material planning weight



for the purposes of determining planning applications via the development management process.

- 4.1.5 However [and potentially in contradiction] CS2 sets out that in the countryside (as is the application site) development is to be restricted to defined categories that do not include speculative residential development such as that currently under consideration.
- 4.1.6 Certainly this contradiction is seemingly resolved if the majority of development in the District is directed [CS1] to allocated sites associated within defined Towns [including those within the defined settlement boundary] rather than sites beyond these [within the countryside] [CS2] or on unallocated land adjacent to allocated land or a defined settlement boundary.
- 4.1.7 Members will, however, now be familiar with the central theme of the NPPF [2018] that local plan policies should no longer protect the countryside for its own sake as this blanket approach will prevent what may now be considered appropriate levels/types of sustainable development from occurring - even in the countryside. [where doing so would not prejudice other NPPF [2018] strands.
- 4.1.8 Furthermore before these themes are explored further within this report we must recognise that the Inspector in the 'Woolpit' case and with the evidence at hand concluded that CS1 and CS2 are now out-of-date in-so-far as they can be said to obstruct sustainable development from occurring no matter where the location.
- 4.1.9 This and the current 5YHLS situation then potentially opens the door for the 'tilted balance' to come into play through reference to paragraph 11 of the NPPF [2018].
- 4.1.10 We are therefore required to look at all other material planning considerations and assess whether the nationally and locally important need to deliver new housing [and more particularly affordable housing] and other positive impacts are outweighed by other negative impacts. The tilted balance means that the need to address the shortfall in 5YHLS carries with it significant weight. [more so than if the Council had been able to demonstrate that it does have a 5YHLS].
- 4.1.11 Consideration of the 'principle' is potentially further complicated by the fact that Eye's evolving [Consultation Draft] Neighbourhood Plan is currently undergoing pre-submission consultation. Within that document the current application site is rejected for development purposes. Other sites within and around Eye are considered preferable and suitable to accommodate the calculated need for new development over the next Plan period. The Draft Neighbourhood Plan seeks to promote these other sites rather than the application site. Within their Consultation Draft Neighbourhood Plan the Eye Neighbourhood Plan Group have sought to potentially allocate significant areas of land for new residential development and their assessment is that were their preferred sites to be allocated the application site would not be needed. [their reasons for rejecting the application within the Consultation Draft Neighbourhood Plan will be explored in later in this report.]
- 4.1.12 Therefore there is likely to be a strong expectation in Eye that residential development on this site will be rejected on the basis that the evolving Neighbourhood Plan does not support it. It is likely to be perceived within Eye as a test for 'Localism' and the power of neighbourhood planning. However as stated earlier in this report the NP only carries significant weight as a material consideration once it has been formally 'Submitted' and that won't happen until the early part of 2019. The Local Plan and the NPPF therefore prevail. [where a Local Plan is in conflict with the NPPF the greater weight needs to be

given to the more recent document which in the case of Mid Suffolk will be the NPPF [2018] until a new Local Plan is adopted [current Local Plan 1998]

- 4.1.13 Many people within Eye are bound to think why is the Council looking to determine this application in advance of the evolving Neighbourhood Plan gaining weight through impending submission and subsequent examination.
- 4.1.14 The answer is a practical one. With an appeal now lodged the Council needs to determine its position for that appeal as an appeal against non-determination (such as is the case here) is taken as a deemed refusal. [the Council may wish to indicate that had it been in a position to do so [had an appeal not been lodged] it would have granted permission subject to [if appropriate] conditions and/or a s106 Agreement. In such cases the appeal may be held in abeyance to allow the Council to determine the duplicate application and avoid an appeal.
- 4.1.15 Members are only required to determine the current proposal on its planning merits after taking into all material planning considerations.
- 4.1.16 Granting planning permission [or indicating a willingness to do so] simply to avoid the cost of an appeal is not legitimate where the Council has reasonable grounds to refuse the application. If the Council has acted reasonably in all respects in entering into an appeal situation it should be confident of being able to resist a claim for an award of costs.
- 4.1.17 To that end this report will now go on to explore other aspects of the proposed development and the relationship to Adopted Policy and the NPPF [2018]
- 4.1.18 In terms of the 'in principle' benefits offered by this proposal one must acknowledge and give significant weight to the fact that it will provide up to 126 new homes at a time when there is a deficiency in the District's 5YHLS.
- 4.1.19 Were the development to be considered to be acceptable it would, if built-out [delivered] also ultimately provide construction jobs for the lifetime of the build programme and may benefit local suppliers, sub-contractors and tradespeople.
- 4.1.20 Another and significant benefit to be weighed when applying the 'tilted balance' is that fact that the proposal if approved and built-out [delivered] would provide 44 much needed affordable homes the delivery of which is a Council priority.
- 4.1.21 Other community benefits funded through C.I.L. payments would also flow from the development if approved and commenced.
- 4.1.23 Against this must be considered other matters which may in themselves offer additional benefits, disbenefits or a combination of both.

## **4.2 Design and layout [a reserved matter]**

- 4.2.1 As described earlier in this report no housing layout detail is included in the application and so no useful comment on the likely quality can be offered. The illustrative estate road layout however [not formally part of the application] suggests a standard uniform modern estate layout without any sense of changing character or a sense of place to reflect juxtaposition to either existing built form or open countryside.

4.2.2 As a Departure from the Local Plan one would expect the proposed development to be aiming to achieve or exceed the level of quality expected within the NPPF [2018] in order to help justify its approval.

4.2.3 That said it ought to be possible with the necessary commitment to quality, design flare and attention to detail to produce a development that complies with GP1, H13, H14, H15

### **4.3 Connectivity**

4.3.1 It should be possible to provide good pedestrian and cycle connectivity via existing estate roads and public footpath connections to local destinations sufficient to accord with T11 [ALP].

### **4.4 Open Space**

4.4.1 The proposal as shown on the illustrative layout provides adequate consolidated open space and this should provide adequate space to provide play and recreation areas for the development in accordance with RT4 [ALP].

### **4.5 Parking**

4.5.1 Parking will be expected to meet the Council's Adopted Parking Standards and there is no reason to believe from the indicative layout and proposed density that such standards cannot be achieved in compliance with T9.

### **4.6 Sustainable Travel**

4.6.1 Eye is not isolated geographically or from an accessibility perspective. It is well-served by public transport, although there is no railway station. [that said Diss mainline station is nearby].

### **4.7 Opportunities, Facilities and Services**

4.7.1 Eye is an employment centre.

4.7.2 It has an NHS medical centre

4.7.3 It has a secondary school in Eye. [Hartismere School]

4.7.4 There is a primary school (St Pater & St Paul CofE)

4.7.5 There is a good mix of local shops, a post office, pubs, restaurants and facilities in the Town.

4.7.6 Within the town are a range of churches

4.7.7 Eye has a Community Centre

4.7.8 It has playgrounds, park and skate park

4.7.9 It appears to have a flourishing sense of community

4.7.10 As a designated 'Town' at the apex of the Districts settlement hierarchy [even if CS1 is now considered to be 'out-of-date'] it is the most sustainable location along with the other two designated Towns of Stowmarket and Needham Market.

4.7.11 In reality settlement hierarchies are still expected, by the Government, to be described within local plans and Eye will continue to hold its place at the narrowest end of any new hierarchy agreed within the New Joint Local Plan. It will not become physically any less sustainable as a location between now and 2019/2020 [expected Adoption of the JLP]. New development will however be expected to contribute appropriate infrastructure.

## **4.8 Highway Impacts**

- 4.8.1 Despite local objections from local residents and the Town Council about the seeming unsuitability of the present vehicular access through the existing adjacent estates the fact that SCC [Highways] raises no objection suggests that there is not a reason highway reason to resist this application
- 4.8.2 Similarly the SCC Public Rights of Way [PRoW] officer has no objection to the principle of the proposal.
- 4.8.3 In reality as adopted public highway adjacent roads are capable of accepting significantly more development than they currently serve even if the circuitous nature of parts of the adjacent system are acknowledged. To some extent this provides natural traffic management and reduces the ability of drivers to speed excessively.
- 4.8.4 SCC as local highway authority is required to consider questions of highway safety and capacity and on this occasion it has determined that subject to conditions the proposed development will not cause sufficient harm to warrant refusal.
- 4.8.5 Concerns expressed in relation to the nuisance and disturbance associated with extra traffic within adjacent residential roads particularly the two cul-de-sacs that will furnish the new access points] are matters that fall to the Council as local planning authority to consider within the sphere of residential and environmental impacts.

## **4.9 Residential Amenity**

- 4.9.1 At the proposed density of development it should be possible to secure a layout that ensures adjoining properties are not materially harmed in terms of impact upon amenity [incl. overlooking, loss of daylight/sunlight, loss of privacy, overshadowing, harm to outlook].
- 4.9.2 Undoubtedly some of the adjoining residents [if not most/all] will have their current views of the field/countryside obscured by built-form. This is an inevitable outcome of new development on a rural greenfield site. As Members will be aware the planning system in England is not tasked with protecting private views and whilst this may seem harsh to residents so affected it is how the system is required to operate.
- 4.9.3 Inevitably up to 126 new dwellings will result in more traffic using adjacent roads some of which are currently very lightly used by vehicles being as they are effectively dead ends. This will change and the development will impact residents in Maple Way and Tuffs Road more so than any other existing residents. These residents might have expected to enjoy their current relative tranquillity into the future but is a fact that the original road layout was designed so as not to prevent development extending beyond its current limit.
- 4.9.4 For these residents the character and ambiance of their immediate environment will change dramatically and they will in future live on an active street and something of a thoroughfare. Change in planning terms is not however in itself unacceptable in principle otherwise very little development would ever be approved. In reality the majority of properties adjoining the site are themselves a product of 20<sup>th</sup> century development.
- 4.9.5 To gauge whether that impact would be unacceptable [in the planning sense]we should look to the comments of the Environmental Health Team. In their response the Council's Environmental Team have raised no objection in principle but have suggested that if permission is granted a condition be added requiring the submission of a construction method statement in the interest of protecting residential amenity [adjoining sites] during construction.

- 4.9.6 The Council's air quality officer has raised no objection on the grounds that the new development will pose a pollution hazard from the associated vehicles.
- 4.9.7 On this basis it would appear that there is not a robust reason to refuse the proposed development on the grounds of an unacceptable impact on residential amenity from any associated traffic acknowledging that the passing of cars will introduce a new element into the immediate environment. However, in itself that is not an unexpected impact in residential areas facing expansion and occupiers affected by the change become accustomed to it. The level of traffic movement from 126 (split between two access points) is not significant and any disturbance is likely to be at a marginal level and certainly not high enough to warrant refusal of permission on amenity or health [physical and/or mental grounds].

#### **4.10 Ecological and Landscape Impacts**

- 4.10.1 Place Services have raised no objection subject to the applicant being able to provide and implement a skylark Mitigation Strategy. Such mitigation usually requires the provision of a replacement local nesting habitat. [ie an alternative site retained for that purpose].
- 4.10.2 The site is set within the special landscape area and residential development will push urbanising impacts further into the open countryside. The site is clearly visible from a range of public vantage points {including local designated public footpaths. Even with screening and landscaping that development will alter the character of this part of the urban/rural fringe on the north-east side of Eye. That said the land currently reads as part of the flat arable agricultural hinterland that wraps around Eye. Viewed from points to the east the new development will be set against the existing backdrop of the Town and the new development will continue to be fringed by fields. Therefore from an overall perspective the scene will not alter that much. {note the current development is presently partly veiled by a thin network of boundary hedgerows and trees although in places these have been removed to expose back fences of adjacent properties.

#### **4.11 Impact on supply of agricultural land**

- 4.11.1 If approved the development would ultimately result in the loss of some good quality farmland [ALC 2]. The land in question is currently farmed and is not of a size or shape that renders it difficult to farm with modern farm vehicles. It cannot be said to be of little agricultural use and its loss cannot reasonably be described as logical rounding off.
- 4.11.2 That said it would be difficult to reject the proposed development on the grounds of a loss of good farmland because the parcel is itself not large enough in itself to pose a strategic or significant loss of farmland – Particularly when it is not the very best land [Grade 1] and the Council is unable to demonstrate that it currently has a 5YHLS.
- 4.11.3 It is acknowledged that the Council does have a policy to retain high quality agricultural land [CL11 ALP] and there may be some sympathy on the Sub-Committee to doing so

4.11.4 Indeed the NPPF [2018] does provide some protection for good quality agricultural land in paragraph 170 when it states:

“ Planning policies and decisions should contribute to and enhance the natural and local environment by:

.....b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the **best and most versatile agricultural land**, and of trees and woodland; “ *[Committee report author’s emboldening of text]*

The NPPF defines versatile agricultural land as:

“**Best and most versatile agricultural land**: Land in grades 1, 2 and 3a of the Agricultural Land Classification”. *[Annex 2: Glossary NPPF [2018] ]*

4.11.5 Farming remains a key economic driver within Mid Suffolk and the site does therefore deliver economic benefits in a way that recognises the intrinsic character of the countryside. If Members wish to pursue this line then The Council must be able to demonstrate that the loss of this land will generate overriding harm to the rural economy hereabouts and its resilience to changing fortunes [eg at a time when Brexit is almost upon us] if it is to mount a robust defence for refusal on such grounds. In this particular case officers feel the amount of land due to be lost is not of a strategic scale that would warrant resisting the current proposal.

## 4.12. Heritage Assets

4.12.1 Members will have noted that the Heritage Team considers that the proposal has the potential to cause ‘Less than substantial harm’ to a designated heritage asset because development on the site has the potential to harm the setting of the listed buildings to the north.

4.12.2 The Heritage Team goes on to say that it ‘does not oppose the principle of development on the site, but on a reduced scale, due to the constraints of the designated heritage assets’.

4.12.3 As the application is submitted(i) in outline with amongst other things (ii) with layout to be determined at ‘Reserved Matters’ stage and (iii) overall total number of units to emerge at the same [possibly up to 126] it should be possible with Heritage Team involvement at Reserved Matters stage [in the event of outline planning permission being granted] to ensure that the ultimate layout and design does not adversely impact the setting of the relevant listed buildings within the application of the tilted balance within paragraph 11 of the NPPF [2018]

## 4.13 Archaeology

4.13.1 SCC [archaeology] considered the site required trial trenching and the agent has now confirmed this has occurred and an update from SCC Archaeology is expected. The

applicant has now undertaken a geophysical survey and some trial trenching. A verbal update will be provided at the meeting but it is expected that standard conditions will now suffice subject to confirmation of this by SCC .

#### **4.14 Educational and other provision**

4.14.1 SCC [Infrastructure] has indicated that the proposed development would generate a need for £377,611 with a follow-up of £503,345 (18/19 costs) of CIL funding to deal with the demand for school places that will arise from the development.

4.14.2 Pre-school will require £103,329.

4.14.3 Libraries £27,216

4.14.4 The proposed development is CIL liable and bids would be expected to be made at the appropriate time for consideration against CIL spend in the event of the proposed development being approved and ultimately implemented.

#### **4.15 Health provision**

4.15.1 Ipswich and East Suffolk Clinical Commissioning Group has indicated that the development will generate the need for additional GP capacity and that as such bids would be made to secure CIL funding when appropriate

#### **4.16 Affordable Housing**

4.16.1 The delivery of up to 44 affordable dwellings [in the event of outline planning permission being granted, subsequent Reserved Matters being approved and the development implemented] is supported by the Council's Housing Enabling Officer. The delivery of affordable housing remains a Council priority and the opportunity of securing up to 44 units carries with it significant weight at a time of shortage of such much needed accommodation.

#### **4.17 Fire and Rescue**

4.17.1 The Suffolk Fire Officer has raised no objection and therefore it is not considered reasonable to refuse the proposal on the basis that the route to the site is not capable of allowing emergency service vehicles to satisfactorily secure access to the site.

## **PART FOUR – CONCLUSION**

### **5.0 Planning Balance and Conclusion**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise.

The proposal would offer some economic benefits. Construction-related benefits would be temporary and, in any event, they would apply to new housing in most locations. Therefore, it is suggested that these be afforded modest weight.

The introduction of new residents would also provide a limited degree of support for local businesses and services. The proposal would provide benefits in the form of community open space and the opportunity for bio-diversity enhancements. Footpath links to the wider countryside if secured in a Planning Agreement would also represent a modest benefit.

The proposal would meet a need for affordable housing. Having regard to the number of units proposed [44] it is suggested that significant weight be given to this benefit. Similarly in the absence of being able to demonstrate a 5YHLS the proposed open-market housing would be a benefit, although this would in isolation be modest in the context of the District as a whole and it is therefore suggested this be given moderate weight.

Whilst the proposed development will have an impact on the character of the countryside hereabouts which has the local designation of Special Landscape Area the fact that it is open farmland with a backdrop of existing development does mean the visual impact is low. Indeed with enhanced planting and landscaping it ought to be possible to improve the transition from urban to countryside via this development. It is noted that the site which forms 1a in the CDENP is considered less of an issue than 1b which lies alongside. This may well be that 1b effectively pushes development further into the SLA whereas 1a is to some degree rounding off.

The adverse impacts of granting permission will significantly and demonstrably be outweighed by the benefits of the proposal. As such, the proposal amounts to sustainable development and, therefore, scores positively against other material considerations including the tilted balance triggered by the coming into play of paragraph 11 (d) of the NPPF [2018]

It will result in a loss of amenity for adjoining residents in the roads closest to the proposed access points in terms of increased vehicular movement through what are currently vehicular dead ends. This will impact the relative tranquillity. This impact is however not considered to be of an intensity to reasonably warrant refusal and its impact in planning terms is considered to be minor.



## **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:

- (a) Provision, management and maintenance of Public Open Space.
- (b) 35% Affordable housing provision
- (c) Bus stop improvements contribution (£25,000)

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

- Reduced time limit to promote delivery
- Reserved matters outline
- All layout drawings to be excluded from the permission
- Reserved matters to include cross sections
- External materials to be from the traditional vernacular palette
- 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- provision and retention of manoeuvring and parking areas
- Highways – Travel Plan amendments
- Highways – Deliveries Management Plan
- Highways – Residents Travel Pack
- 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
- Construction Surface Water Management Plan
- Foul water strategy
- Surface water management strategy
- Programme of archaeological work
- No occupation until archaeological assessment complete
- Unexpected contamination
- Fire hydrant provision details
- Sustainable efficiency measures
- Secure mitigation and ecology enhancement measures - Skylark Mitigation Strategy
- Lighting scheme – biodiversity
- Construction Management Plan
- Withdrawal PD rights

### Notes

Section 38 of the Highways Act 1980

Section 278 of the Highways Act 1980

Scheme of archaeological investigation

(3) That in the event of the Planning Obligation 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.