

Committee Report

Item 7B

Reference: DC/18/05621

Case Officer: Daniel Cameron

Ward: Needham Market.

Ward Member/s: Cllr Stephen Phillips. Cllr Mike Norris.

RECOMMENDATION – GRANT OUTLINE PLANNING PERMISSION WITH CONDITIONS SUBJECT TO THE COMPLETION OF A SECTION 106 AGREEMENT

Description of Development

Outline Planning Application (all matters reserved) - Residential Development for up to 43 dwellings (14 affordable).

Location

Land off Jacks Green Road, Creeting St Mary, Suffolk

Parish: Creeting St Mary

Expiry Date: 31/07/2019

Application Type: OUT - Outline Planning Application

Development Type: Major Small Scale - Dwellings

Applicant: Needham Market & Barking Welfare Charities

Agent: SJB Designs

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason:

It is a Major application for the erection of up to 43 residential dwellings.

Details of Previous Committee / Resolutions and any member site visit

None

Has a Committee Call In request been received from a Council Member?

No

Details of Pre-Application Advice

None

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

NPPF - National Planning Policy Framework
CS01 - Settlement Hierarchy
CS02 - Development in the Countryside & Countryside Villages
CS03 - Reduce Contributions to Climate Change
CS04 - Adapting to Climate Change
CS05 - Mid Suffolk's Environment
GP01 - Design and layout of development
HB01 - Protection of historic buildings
HB14 - Ensuring archaeological remains are not destroyed
H07 - Restricting housing development unrelated to needs of countryside
H13 - Design and layout of housing development
H14 - A range of house types to meet different accommodation needs
H15 - Development to reflect local characteristics
H16 - Protecting existing residential amenity
H17 - Keeping residential development away from pollution
H18 - Extensions to existing dwellings
T09 - Parking Standards
T10 - Highway Considerations in Development

Neighbourhood Plan Status

This application site is not within any Neighbourhood Plan Area.

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

Creeting St. Mary Parish Clerk

The Parish Council strongly object to this application for the following reasons:

- Over development of Creeting St Mary
- Over subscribed school and struggling doctors surgery in Needham Market
- Power cables overhead of the proposed site
- Current flooding issues would become a lot worse

The Environment Agency

We have reviewed the application as submitted and have no objections provided the conditions below on Groundwater and Contaminated Land are included should the permission be granted. We are also including advice on Flood Risk below.

East Suffolk Inland Drainage Board

Please be aware that the site is partially within the Internal Drainage District (IDD) of the East Suffolk Internal Drainage Board (IDB) and therefore the Board's Byelaws apply. A copy of the Board's Byelaws can be accessed on the development pages of our website (https://www.wlma.org.uk/uploads/ESIDB_Byelaws.pdf), along with maps of the IDD

(https://www.wlma.org.uk/uploads/ESIDB_Index_plan.pdf). These maps also show which watercourses have been designated as 'Adopted Watercourses' by the Board.

The adoption of a watercourse is an acknowledgement by the Board that the watercourse is of arterial importance to the IDD and as such will normally receive maintenance from the IDB.

In order to avoid conflict between the planning process and the Board's regulatory regime and consenting process please be aware of the following:

- We note that the applicant intends to discharge surface water to a watercourse. As such, please be aware that the proposed development will require land drainage consent in line with the Board's byelaws (specifically byelaw 3). Any consent granted will likely be conditional, pending the payment of a Surface Water Development Contribution fee, calculated in line with the Board's charging policy (https://www.wlma.org.uk/uploads/WMA_Table_of_Charges_and_Fees.pdf). Prior to engagement with the consenting process no assurance can be provided by the Board that the wider drainage network has sufficient capacity to accept the proposed positive discharge connection.

- We note the presence of a riparian owned/maintained watercourse within the site boundary, which is also within the Board's Internal Drainage District. If (at the detailed design stage) the applicant's proposals include works to alter this watercourse, consent will be required under the Land Drainage Act 1991 (and byelaw 4). Additionally, please be aware that immediately downstream of the site boundary this watercourse becomes an 'Adopted Watercourse'. Therefore, if (at the detailed design stage) the applicant's layout should include works within 9 metres of the watercourse, consent would also be required to relax Byelaw 10 (no works within 9 metres of the edge of drainage or flood risk management infrastructure).

Whilst the consenting process as set out under the Land Drainage Act 1991 and the aforementioned Byelaws are separate from planning, the ability to implement a planning permission may be dependent on the granting of these consents. As such we strongly recommend that the required consents are sought prior to determination of the planning application.

Anglian Water

No response.

EDF Energy - New Supply

No response.

Suffolk Wildlife Trust

No response.

Natural England

Natural England has no comments to make on this application.

SCC - Flood & Water Management

Following revisions to the Flood Risk Assessment to support the application the holding objection from Suffolk County Council Flood and Water Management Team has been removed. Support can be given to the application subject to conditions.

SCC - Fire & Rescue

Access to buildings for fire appliances and firefighters must meet with the requirements specified in Building Regulations Approved Document B, (Fire Safety), 2006 Edition, incorporating 2010 and 2013 amendments Volume 1 - Part B5, Section 11 dwelling houses, and, similarly, Volume 2, Part B5, Sections 16 and 17 in the case of buildings other than dwelling houses. These requirements may be satisfied with other equivalent standards relating to access for firefighting, in which case those standards should be quoted in correspondence.

Suffolk Fire and Rescue Service also requires a minimum carrying capacity for hard standing for pumping/high reach appliances of 15/26 tonnes, not 12.5 tonnes as detailed in the Building Regulations 2000 Approved Document B, 2006 Edition, incorporating 2010 and 2013 amendments.

Suffolk Fire and Rescue Service recommends that fire hydrants be installed within this development on a suitable route for laying hose, i.e. avoiding obstructions. However, it is not possible, at this time, to determine the number of fire hydrants required for firefighting purposes. The requirement will be determined at the water planning stage when site plans have been submitted by the water companies. Suffolk Fire and Rescue Service recommends that proper consideration be given to the potential life, safety, economic, environmental and social benefits derived from the provision of an automatic fire sprinkler system.

SCC - Strategic Policy Manager

No response.

SCC - Travel Plan Co-ordinator

Thank you for consulting me over the proposed residential development at land off Jacks Green Road in Creeting St Mary. Having reviewed the documents submitted, I can confirm that I have no comment to make, as the existing sustainable transport infrastructure is limited for commuting purposes, in addition to the development being too small to justify a Travel Plan in accordance with national planning guidance.

SCC - Development Contributions Manager

Ideally, the County Council would like to see a plan-led approach to housing growth in the locality, which would also identify the infrastructure requirements based on cumulative growth. The risk here is that individual developer-led applications are granted planning permission without proper consideration being given to the cumulative impacts on essential infrastructure including highway impacts and school provision.

The infrastructure requirements which arise from this development would mostly be covered by CIL apart from site specific mitigation.

Based on existing forecasts, SCC will have no surplus places available at the local schools. On this basis, at the primary school level a future CIL funding bid of at least £133,991 (2018/19 costs) will be made and at the secondary school level a future CIL funding bid of at least £186,654 (2018/19 costs) will be made.

If the District Council considers that planning permission should be granted for the outline application for up to 43 dwellings, this must be on the basis that s106 developer funding is secured by way of a planning obligation for the costs of secondary school transport.

SCC - Archaeological Service

This site lies in an area of archaeological potential recorded on the County Historic Environment Record, in close proximity a Bronze Age Cremation Cemetery (CRM 001) and Roman pottery scatter (CRM 002). The site is situated in a topographically favourable location for archaeological activity overlooking the River, and in an area of light, sandy soils which tended to attract early occupation. As a result, 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.

There are no grounds to consider refusal of permission in order to achieve preservation in situ of any important heritage assets. However, in accordance with the National Planning Policy Framework (Paragraph 199), any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.

SCC - Highways

Although this application is for outline planning permission, we would like to make the following comments:

- tandem parking is acceptable in some instances however, we consider it is not acceptable in front of a garage for a 4-bedroom dwelling; this is to be discouraged as it will lead to on-street parking.
- We recommend a turn head to be supplied at the end of the Minor Access Road (assuming there will be a request for it to be adopted by the highway authority).
- Permeable paving will not be adopted by SCC and sustainable drainage is to be provided to prevent the discharge of surface water from the private dwellings onto the highway.
- the catchment primary school is 0.8 miles from the site with a safe route for the vulnerable user.
- the high school is in Debenham and is 7.5 miles from the site therefore, students eligible for free school transport.
- The closest bus stop with a service is in Needham Market, 0.7 miles from the site with a footway link.

There are no unacceptable impacts on highway safety, or the residual cumulative impacts on the road network (NPPF para 109) therefore, Suffolk County Council as the Local Highway Authority does not object to the proposal.

SCC - Rights of Way Department

No response.

Heritage Team

The Heritage Team considers that the proposal would cause no harm to a designated heritage asset because it will have no impact on the setting of nearby listed buildings.

The site lies in the valley bottom below the Church of St Mary which stands in a prominent position at the edge of the clayland plateau. There is considerable scope for development in the valley to impact on the setting of the Church, and therefore on its significance.

The site will abut the existing development at Jacks Green Road and St Marys Gardens, and is bounded to the east by the A14 road, a busy dual carriageway. In this context the impact of the development is barely material. Visually the site in its current state is screened from points of view at the Church. The Church is visible from vantage points on Jacks Green Road, but the proposal would not foil all of these, and other nearby viewpoints would remain unaffected.

Overall the impact does not amount to material harm in heritage terms.

In our view no other heritage assets are likely to be affected.

Strategic Housing

No response.

Communities

No response.

Public Realm

No response.

MSDC - Planning Policy

No response.

Environmental Health - Land Contamination

Many thanks for your request for comments in relation to the above application. I have reviewed the Phase I report by Geosphere and note that the conclusions of that report are that it would be prudent to undertake intrusive works to confirm the low risk identified by the Phase I report.

I believe on the evidence presented it would not be a defensible position to require this by means of condition and as such I have no objection to the proposed development from the perspective of land contamination. I would only request that the LPA are contacted in the event of unexpected ground conditions being encountered during construction and that the below minimum precautions are undertaken until such time as the LPA responds to the notification. I would also advise that the developer is made aware that the responsibility for the safe development of the site lies with them.

Environmental Health - Noise/Odour/Light/Smoke

The application site is in close proximity to the busy A14 and therefore there is potential for significant loss of amenity at new dwellings due to road traffic noise, as such I ask that the following is conditioned.

The reserved matters application relating to design and layout of residential dwellings shall include a detailed acoustic assessment and Acoustic Design Statement (that includes evaluation and selection of mitigation methods, PROPG), produced by a competent person, which provides details of the noise exposure at the facade of residential dwellings, internal noise levels in habitable rooms and noise levels in all associated amenity spaces. The design and layout should avoid exposure of habitable rooms to noise levels that exceed the following criteria:

- 60dB LAeq 16 hours (daytime, 07:00-23:00, outside)
- 55dB LAeq 8 hours (night, 23:00-07:00, outside)

As required to meet the above, acoustic barriers and site design, including building orientation and internal layout of dwellings, shall be used to minimise noise exposure to habitable rooms and reduce the need to rely on closed windows.

Environmental Health - Sustainability Issues

It is acknowledged that the application is for outline permission but considering the number of dwellings proposed some consideration of this topic area is expected. This council is keen to encourage consideration of sustainability issues at an early stage so that the most environmentally friendly buildings are constructed and the inclusion of sustainable techniques, materials, technology etc can be incorporated into the scheme without compromising the overall viability

We request a condition be added should permission be granted:

Before works extend beyond foundation level a Sustainability & Energy Strategy must be provided detailing how the development will minimise the environmental impact during construction and occupation (as per

policy CS3 SO8 and NPPF para 35) including details on environmentally friendly materials, construction techniques minimisation of carbon emissions and running costs and reduced use of potable water (suggested maximum of 105ltr per person per day). Details as to the provision for electric vehicles should also be included. This document shall be submitted to, and approved in writing by, the Local Planning Authority before works extend beyond foundation level.

The document should clearly set out the unqualified commitments the applicant is willing to undertake on the topics of energy and water conservation, CO2 reduction, resource conservation, use of sustainable materials and provision for electric vehicles.

Clear commitments and minimum standards should be declared and phrases such as 'where possible, subject to, where feasible' must not be used. Evidence should be included where appropriate demonstrating the applicants previous good work and standards achieved in areas such as site waste management, e.g. what recycling rate has the applicant achieved in recent projects to show that their % recycling rate commitment is likely.

B: Representations

A number of public representations in opposition to the application were received in response to this application, from 26 individual addresses. They raise a number of material considerations relevant to this application. The responses are as summarised below:

- Overdevelopment of the area following approval of the Breheny site;
- Lack of capacity at the school for additional pupils;
- Lack of capacity at GP surgery;
- No public transport serves the site;
- Issues with sewerage system in the area;
- Traffic conflicts on the surrounding highways network especially with cyclists and horse-riders;
- Flooding issues within the area would only be exacerbated with additional hardstanding from the development;
- Lack of facilities within Creting St. Mary – only has a village hall and a primary school;
- The density of the housing proposed in out of character with the surrounding area;
- Concerns over public safety from the proposed play area;
- Babergh and Mid Suffolk SHELAA (August 2017) considered the site and noted it was poorly related to the existing settlement;
- Concern over overlooking and outlook if development is two storeys in height;
- Change to the character of the area, moving from countryside, to a more developed, suburban character;
- Creting St. Mary is a secondary village within the adopted Core Strategy, only suitable for appropriate residential infill;
- Development on this site will encroach upon the setting of the church (a listed building); and
- The new homes would be dependent on private cars to meet the needs of the new residents which conflicts with the transition to a low carbon economy within the NPPF.

PLANNING HISTORY

REF: 0242/90/OL

RESIDENTIAL DEVELOPMENT OF 2.226 HA. OF LAND INCLUDING LAYOUT AND CONSTRUCTION OF NEW VEHICULAR ACCESS AND ACCESS ROADS AND PIPING OF DITCH.

DECISION: REF
13.12.1990

PART THREE – ASSESSMENT OF APPLICATION

1. The Site and Surroundings

- 1.1 The site is a roughly triangular parcel of land, 2.35ha in size, located to the north of Jack's Green Road with the A14 forming the north-eastern boundary. The site is currently laid to grass and is used as agricultural land for the production of hay. A group of veteran trees is located adjacent to the south-eastern corner of the site but does not fall within the site, while small hedgerows form the boundary to Jack's Green Road. A drainage ditch crosses the site, running south-west to north-east with hedgerow to either side.
- 1.2 A short run of linear residential development is apparent to the north of the application site, while a small cul-de-sac, Jordan Close, and a larger, suburban development, St. Mary's Garden are apparent to the west and south-west respectively.
- 1.3 The site falls outside of the settlement boundaries of either Needham Market or Creting St. Mary, such that the adopted Development Plan would place it within the countryside. Needham Market's High Street is located some 1.1km away from the application site, while the primary school in Creting St. Mary is a similar distance.
- 1.4 Flood zones 2 and 3 are shown to cross the site, centred on the drainage ditch, with the land beyond within flood zone 1. The developed area shown within the indicative plan is entirely within flood zone 1.
- 1.5 No other constraints are identified within the site. It does not include any trees that are subject to a Tree Protection Order (TPO) and does not form part of a Special Landscape Area (SLA) or Area of Outstanding Natural Beauty (AONB). No public footpaths cross the site and it is not within a conservation area.
- 1.6 No listed buildings are noted within the immediate vicinity although the Grade II* listed Church of St. Mary at Creting St. Mary is noted on the rising landscape above the application site while a small number of Grade II listed farm cottages are noted on Flordon Road.

2. The Proposal

- 2.1. The application is made in outline with all matters reserved and seeks permission for the erection of up to 43 new residential dwellings in an estate style layout. Details submitted within the supporting planning statement indicate delivery of 35% of the dwellings on site is to be as affordable housing.

- 2.2 A site layout plan has been submitted with the application to show that the site is capable of supporting the number of houses proposed while providing parking levels to adopted standards and an element of private amenity space to each dwelling. A play park and meadow has been indicated to the north of the drainage ditch that runs through the site. It should be noted that the submitted site layout plan is illustrative only and may not be reflective of any final development on site although the number of units provided could not increase above 43.
- 2.3 Based on the number of units to be provided and the size of the site gives a density of 18 dwellings per hectare. However, given part of the site cannot be developed due to issues with flood risk, this reduces the developable area to 1.59ha, which in turn increases the density per hectare to 27. Viewed aerially, this would appear to be visually similar to the density on residential development adjacent to the site.
- 2.4 As the application is made in outline, the key planning issue at this point is the principle of development and whether the site can be considered to represent sustainable development.

3. The Principle of Development

- 3.1 The starting point for any planning decision is the development plan, as identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004. Determination of any application must be made in accordance with the plan unless material considerations indicate otherwise. A key material consideration regarding the principle of development is the National Planning Policy Framework (NPPF) 2019.
- 3.2 The NPPF requires the approval of proposals that accord with an up to date development plan without delay, or where there are no policies, or the policies which are most important are out of date, granting permission unless the NPPF policies provide a clear reason for refusal, or adverse impacts of doing so would demonstrably outweigh the benefits. The age of policies itself does not cause them to cease to be part of the development plan or become “out of date” as identified in paragraph 213 of the NPPF. Significant weight should be given to the general public interest in having plan-led decisions even if the particular policies in a development plan may be old, and weight can be attributed to policies based on their compliance with the requirements of the NPPF.
- 3.3 Even if policies are considered to be out of date, that does not make them irrelevant; their weight is not fixed, and the weight to be attributed to them is within the remit of the decision taker. There will be many cases where restrictive policies are given sufficient weight to justify refusal.
- 3.4 For the purposes of the application at hand, the following documents are considered to form the adopted Development Plan:
- National Planning Policy Framework (NPPF, 2018)
 - National Planning Practice Guidance (NPPG, 2014)
 - Mid Suffolk Core Strategy Focussed Review (2012)
 - Mid Suffolk Core Strategy (2008)
 - Mid Suffolk Local Plan (1998)
- 3.5 With regards to the adopted Development Plan, Core Strategy CS01 identifies the application site as falling within the countryside. Policy CS02 places strict control over development within countryside and seeks to prevent the creation of new market dwellings within it. Local Plan policy H07 has similar aims. Together the policies attach a level of negative weight to the application.

- 3.6 The NPPF contains a similar policy, outlined at paragraph 79, which seeks to avoid the creation of isolated new homes within the countryside. Recent court decisions have clarified that the definition of isolation within the policy refers to physical isolation. Given the proximity of existing residential development, the application cannot be considered to be isolated. Furthermore, appeal decisions have confirmed that due to the restrictive nature of CS1 and CS2, without the consideration given to sustainability as the NPPF, is such that the weight to CS1 and CS2 is considered to be reduced.
- 3.7 The policies of the documents listed above have been assessed under paragraph 213 of the NPPF to determine their degree of consistency with the NPPF. In respect of the Focussed Review, Core Strategy and Local Plan, it cannot be considered that the policies contained therein that speak to the delivery of housing can be held in full accordance with the NPPF. Policies with regards to sustainability in particular FC1.1 do however accord with the over-arching principles of the NPPF and are given weight accordingly.
- 3.8 Therefore, the weight attributed to those policies is limited and the identified conflict with these policies and fact the site lies outside of established settlement boundaries cannot be considered to be determinative factors on which this application turns.
- 3.9 Consequently, paragraph 11(d) of the NPPF is engaged. It requires that planning permission be granted 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.”
- 3.10 Paragraph 10 of the NPPF is applicable in this circumstance. It requires that the presumption of sustainable development is pursued within the decision-making process. Paragraph 8 of the NPPF defines the objectives of sustainable development, with particular emphasis on the economic, social and environmental benefits or harms of a given application. In saying this, paragraph 9 should also be noted as this notes that these considerations are “not criteria against which every decision can or should be judged”.
- 3.11 How the proposal performs against the three mutually dependent dimensions of sustainable development is assessed in detail below:
- 3.12 *Social Dimension* – The provision of additional housing, even at a time when the Council can demonstrate the required housing supply is a positive social benefit. The housing supply position cannot be seen as a cap on development. The delivery of a policy compliant level of affordable housing on site is similarly a social benefit of the development.
- 3.13 Concerns raised by the Parish Council and local residents over the capacity of the local schools and medical facilities are noted. Development of the site would result in Community Infrastructure Levy (CIL) receipts being generated which, as seen within the full representation from Suffolk County Council’s Infrastructure Team would in part be utilised in order to provide additional capacity at these facilities.
- 3.14 *Economic Dimension* – Significant weight is given within the NPPF for the need to support economic growth through the planning system. Additional dwellings would give rise to employment while the

site is being constructed. Future occupants would likely make use of local services and facilities within Needham Market and to a lesser degree within Creting St. Mary. There are therefore some longer-term economic benefits for the application through the support offered to local services. This aligns with paragraph 78 of the NPPF which identifies the ability of rural development to support the services of neighbouring settlements.

- 3.15 *Environmental Dimension* – The adopted Development Plan places the application site within the countryside. While there is a close physical relationship to the neighbouring residential dwellings no facilities are provided within the immediate vicinity.
- 3.16 Connection to Needham Market and Creting St. Mary can be made via existing footpaths such that future occupants of the site would have the option to access the services and facilities of both using sustainable methods of transport.
- 3.17 The application site does not form part of any landscape designation but does contribute to the rural character of the area. The loss of the open, rural character of the site would detrimentally affect the appearance of the surrounding area to an extent but given the suburban residential development close by to the application site this would not be wholly out of character. Accordingly, a small amount of negative weight is attached to this consideration.
- 3.18 That being said, the site would retain the veteran trees located to the south-east and would provide opportunity for additional landscaping to be provided on site which would serve to maintain the appearance of the area and introduce net gains for biodiversity on site.

4. Nearby Services and Connections Assessment of Proposal

- 4.1 As previously mentioned, the immediate vicinity of the area does not offer any facilities or services to residents to support the residential use within the area. However, both Needham Market and Creting St. Mary are within an accessible walking distance from the site along hardstanding footpaths.
- 4.2 Services and facilities are limited within Creting St. Mary with only the primary school, public house and play area noted.
- 4.3 Access to services and facilities within Needham Market is far more extensive, reflecting its position within the settlement hierarchy set out within the Mid Suffolk Core Strategy document. It provides access to an array of shops, medical facilities and public houses. More importantly, it gives access to the wider public transport network through connection to the rail network and bus services.

5. Site Access, Parking and Highway Safety Considerations

- 5.1 The application is made in outline with all matters reserved, including detail of access and layout. Therefore, both the specifics of the site access and the road layout of the final development would be subject to alteration prior to the implementation of the scheme.
- 5.2 Consultation with the relevant Highway Authority, Suffolk County Council, did not result in any objections being raised to the proposal. They specifically note that there do not appear to be any unacceptable highways impacts or residual cumulative impacts on the road network to suggest that the application should be refused on the grounds of highway safety.

- 5.3 That being said, Suffolk County Council do raise a number of points in their consultation response with regards to the final layout of the scheme, noting that tandem parking is acceptable to a degree, but not to four bedroomed dwellings, that a turning head is provided to allow access by refuse vehicles. However, this application is outline only, and such details can be resolved within any reserved matters.

6. Design and Layout

- 6.1 As the application is made in outline, the proposed design and layout is indicative only and may not be reflective of the final form of any development on site.
- 6.2 That aside the submitted indicative layout shows that the number of dwellings proposed by the application can be accommodated on site while delivering a good degree of private amenity space to each as well as off-street parking to meet adopted parking standards.

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

- 7.1 Core Strategy policy CS05 requires all development to maintain and enhance the environment and to retain the local distinctiveness of an area. Where appropriate, opportunities for increasing access and appreciation of biodiversity and geodiversity conservation are to be taken.
- 7.2 The site does not fall within a designated landscape. That being said, the existing agricultural character of the site is noted. This is considered to positively contribute towards the rural character of the surrounding area.
- 7.3 Estate style residential development is noted close to the application site, so development on this site would not be an alien feature within the landscape and the rural character of the area would be maintained by other agricultural fields that surround the wider area. In addition, landscaping measures to soften the impact of any development would be forthcoming for consideration under any application for reserved matters.
- 7.4 Paragraph 175 of the NPPF states that development resulting in the loss or deterioration of irreplaceable habitats (ancient woodland or ancient veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy has been put forward.
- 7.5 A large group of veteran trees are noted to the immediate south-east of the site. They are explicitly excluded from the application site such that they would be retained throughout any development and would not be at risk. Given their proximity to the edge of the development it is considered necessary to impose conditions to secure the protection of these trees throughout any development on site.
- 7.6 Regulation 9(5) of the Conservation of Habitats and Species Regulations 2017 provides that all "competent authorities" (public bodies) to "have regard to the Habitats Directive in the exercise of its functions." The application site is not subject to any special designations reflecting its importance as either valuable habitat or a site providing nesting or roosting opportunities to protected species.
- 7.7 Neither Natural England or Suffolk Wildlife Trust have responded with comments to suggest that development of the site would result in harm to protected species or habitats and it is considered

that no criminal offence under the 2017 Regulations against any European Protected Species is likely to be committed on site.

- 7.8 That being said, the facets of CS05 with regards to improving biodiversity on a given site are noted. Given the fact that this application is in outline with all matters reserved, a condition to detail biodiversity enhancement measures to be implemented on site is considered to be appropriate.

8. Land Contamination

- 8.1 No issues were identified by the Council's Environmental Health Team with regards to the conclusions of the Geosphere Phase 1 Land Contamination Study. The comments of that report are noted, especially where the need for additional intrusive study of land contamination on site is suggested to be secured via planning condition.
- 8.2 While the Council's Environmental Health Officer does not feel a condition is required in this regard, it is considered to be reasonable to require the further investigation recommended by the applicant's report.

9. Heritage Issues

- 9.1 Concern was raised from residents with regards to impacts on views from the Church at Creting St. Mary. Consultation with the Council's Heritage Team has not resulted in any comments being received as the intervening distance between the listed church and the application site is too great, while the setting of the listed dwellings on Flordon Road are not seen in context with the application site.

10. Impact on Residential Amenity

- 10.1 Local Plan policy H16 seeks to protect existing levels of residential amenity for neighbouring properties. While disturbance during development is unavoidable to an extent, conditions are recommended to ensure that the impacts of development are controlled such that they can be minimised as much as possible.
- 10.2 The location of the site relative to surrounding residential development is not considered to unacceptably impact on levels of natural light to neighbouring properties, while there is sufficient space within the application site to address this at reserved matters stage.
- 10.3 In considering the amenity of future users of the site, some residential dwellings are located adjacent to the boundary of the site with the A14. Consultation with the Council's Environmental Health Team notes the need for an acoustic solution to be submitted concurrently with any reserved matters such that noise levels to these properties is within acceptable ranges but has not recommended refusal of the application on these grounds.

11. Planning Obligations / CIL

- 11.1 The application would be subject to CIL which would deliver the majority of infrastructure required to support the development.
- 11.2 The affordable housing offered on the site is required to be secured via Section 106 Agreement, with the mix and tenancy of the dwellings to be agreed.

- 11.3 Comments from Suffolk County Council's Infrastructure Team notes the need for a planning obligation in order to support the transport costs for secondary school pupils from the site to the nearest secondary school and would be secured within the same agreement.

PART FOUR – CONCLUSION

12. Planning Balance and Conclusion

- 12.1 The application would result in the creation of up to 43 new dwellings and, as outlined in the report above, these would be located within the countryside as defined by the adopted Development Plan.
- 12.2 However, the age of the policies contained within the adopted Development Plan and their lack of overall conformity with the NPPF means they cannot be held to carry full material weight such that this application should be refused on this basis.
- 12.3 The NPPF therefore requires an assessment be made of the application against the objectives of sustainable development, social, economic and environmental, as set out at paragraph 8 of the NPPF.
- 12.4 Benefits are noted with regards to the social and economic aspects of the development in so far as additional housing provision would support the Council's obligations towards delivering its housing numbers and the affordable housing element of the scheme would serve to directly address the needs of those on the Council's housing needs register.
- 12.5 Economically, the development would support the provision of construction jobs during development which is especially notable as The New Anglia 'Strategic Economic Plan' (April, 2014) acknowledges that house building is a powerful stimulus for growth and supports around 1.5 jobs directly and 2.4 additional jobs in the wider economy for every home built. Additional economic benefits would arise from the receipt of CIL from the dwellings and also from payment of Council Tax once the dwellings were occupied.
- 12.6 Environmentally, negative weight is attached to the loss of the open field and the impact that would have on the character of the surrounding area, however, this is mitigated through the retention of the veteran trees and the potential for improving the biodiversity of the site.
- 12.7 Consequently, it is not considered that the negative impacts of the development would outweigh the positives and the site is held to represent sustainable development as required within the requirements of the NPPF.
- 12.8 No adverse impacts of development are noted, and consultation has not returned any objections from statutory consultees. Any issues raised through consultation can be satisfactorily addressed by condition.
- 12.9 Given the above weighting and the material planning considerations outlined within this report, the site is recommended for approval subject to the completion of a Section 106 Agreement to secure the items set out at Section 12 of this report.

RECOMMENDATION

That authority be delegated to the Chief Planning Officer – Sustainable Communities to grant Planning Permission for the above development:

(1) Subject to the prior agreement of a Section 106 Planning Obligation on appropriate terms to the satisfaction of the Chief Planning Officer – Sustainable Communities to secure:

- Affordable housing with mix and tenancy to be agreed with the Professional Lead – Strategic Housing;
- Contribution towards secondary school pupil travel costs as outlined within the response from Suffolk County Council's Development Infrastructure Manager; and
- To secure onsite delivery of open space and to agree management details for said open space with the requirement for public access to the open space at all times.

(2) That the Chief Planning Officer – Sustainable Communities be authorised to grant Planning Permission upon completion of the legal agreement subject to conditions as summarised below and those as may be deemed necessary by the Corporate Manager:

- TIME LIMIT FOR RESERVED MATTERS APPLICATION
- APPROVAL OF RESERVED MATTERS
- APPROVAL OF PHASING OF DEVELOPMENT
- APPROVED PLANS & DOCUMENTS
- SUBMISSION OF WRITTEN SCHEME OF ARCHAEOLOGICAL INVESTIGATION

- COMPLETION AND SUBMISSION OF POST ARCHAEOLOGICAL INVESTIGATION ASSESSMENT REPORT
- AGREEMENT TO EXTERNAL FACING AND ROOFING MATERIALS
- CONSTRUCTION METHOD STATEMENT
- TREE AND NATURAL FEATURE PROTECTION
- FURTHER LAND CONTAMINATION INVESTIGATION
- ACOUSTIC DESIGN STATEMENT
- SUSTAINABILITY AND ENERGY STRATEGY
- ACTION REQUIRED ON DISCOVERY OF LAND CONTAMINATION AT ANY TIME
- SURFACE WATER DRAINAGE SCHEME
- DETAILS OF SUDS COMPONENTS AND PIPED NETWORKS
- FIRE HYDRANTS
- SUBMISSION OF DETAIL OF ECOLOGICAL ENHANCEMENTS

(3) And the following informative notes as summarised and those as may be deemed necessary by the Chief Planning Officer:

- Statement of positive and proactive working in line with the National Planning Policy Framework (NPPF)
- Statement on scheme of archaeological investigation informed by a site brief
- Statement on the need to contact the Council's Environmental Protection Team on discovery on unexpected contamination
- Statement on need for development to be undertaken in line with section 23 of the Land Drainage Act 1991, the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017, and section 50 license under the New Roads and Street Works Act 1991.

(4) That in the event of the Planning obligations referred to in Resolution (1) above not being secured that the Chief Planning Officer – Sustainable Communities be authorised to refuse the application on appropriate grounds.

(5) That in the event of the Planning obligations referred to in Resolution (1) above not being secured within 6 months that the Chief Planning Officer – Sustainable Communities be authorised to refuse the application on appropriate grounds.