

Committee Report

Item 7A

Reference: DC/19/00959

Case Officer: Alex Scott

Ward: Mendlesham.

Ward Member/s: Cllr Andrew Stringer.

RECOMMENDATION – GRANT OUTLINE PLANNING PERMISSION WITH CONDITIONS

Description of Development

Outline Planning Application (Access to be considered) - Erection of up to 49 no. dwellings and construction of Vehicular Access.

Location

Land North East Of, Chapel Road, Mendlesham, Suffolk

Expiry Date: 22/10/2019

Application Type: OUT - Outline Planning Application

Development Type: Major Small Scale - Dwellings

Applicant: Mr E & Mr B Baully

Agent: Mr David Barker

Parish: Mendlesham

Site Area: 3.29 ha

Density of Development:

Gross Density (Total Site): 14.9 dph

Net Density (Developed Site, excluding open space and SuDs): 20 dph

Details of Previous Committee / Resolutions and any member site visit: None

Has a Committee Call In request been received from a Council Member (Appendix 1): No

Has the application been subject to Pre-Application Advice: Yes – Advice given in November 2018 concluded:

“On the basis that it is not considered that the Council can, at present, demonstrate a five year supply of deliverable housing sites, on the basis of the provisions of the NPPF (2018), and having considered the sustainability of the location of the proposal site, the principle of the proposed development is likely to be supported by planning officers, subject to other material planning considerations.”

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason/s: It relates to a “Major” application for 15 or more dwellings; and The Chief Planning Officer considers the application to be of a controversial nature having regard to the planning reasoning expressed by the Parish Council and the extent and planning substance of comments received from third parties.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

FC01 - Presumption In Favour Of Sustainable Development
NPPF - National Planning Policy Framework
FC01_1 - Mid Suffolk Approach To Delivering Sustainable Development
FC02 - Provision And Distribution Of Housing
CS01 - Settlement Hierarchy
CS02 - Development in the Countryside & Countryside Villages
CS05 - Mid Suffolk's Environment
CS06 - Services and Infrastructure
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
CL08 - Protecting wildlife habitats
Mendlesham Neighbourhood Plan

Neighbourhood Plan Status

This application site is within a Neighbourhood Plan Area.

The Neighbourhood Plan is adopted and, accordingly, is afforded significant weight.

Neighbourhood Plan policies most relevant to the application proposal are set out below:

Policy - MP1 [Housing]

A minimum total of 75 ** new homes over the next 15 years is supported, however any significant increase to this figure will need to demonstrate clearly that the existing local services infrastructure will be able to cope or, if not, then appropriate measures will be provided as part of the development proposals.

Proposals for new dwellings will be supported within the existing Mendlesham village settlement boundary subject to other relevant policies in this plan and those of the district and national bodies.

Outside of the existing Mendlesham village boundary, individual development proposals, that are immediately adjacent to that boundary, to develop small sites of sustainable new homes will be supported subject to their meeting the relevant planning policies of Mid Suffolk District Council and Mendlesham Neighbourhood Plan. The local community prefers small sites to provide 20 dwellings or less. Each proposal will be judged on its merits.

Small scale development of sites that are not within or adjacent to the existing Mendlesham village boundary will be supported where they properly satisfy sustainability criteria listed in paragraph 3.25 of this plan.

** Base figure of 620 homes as at 1 January 2014.

Policy - MP3 [Affordable Housing]

On open market housing developments of more than 10 dwellings a proportion of dwellings up to 35% shall be provided as affordable dwellings to address evidence of housing need. An agreed mix of affordable house tenures will be determined by local circumstances at the time of granting planning permission in small groups or clusters distributed throughout the site.

In exceptional circumstances where it can be demonstrated that the level of affordable housing sought would make a development unviable in light of changing market conditions, individual site circumstances and development costs, a revised mix of affordable house types and tenures and a lower level of affordable housing provision may be sought. The off-site provision of affordable dwellings will only be permitted where the provision of additional affordable dwellings, or the improvement or a better use of existing housing stock would contribute to the creation of mixed and balanced community.

If it is conclusively demonstrated that it is not possible or appropriate to build affordable homes onsite or offsite, a financial contribution will be secured through a planning obligation towards the future provision of affordable housing, which should be of 'broadly equivalent value' to that which would have been provided onsite.

Policy - MP5 [Historic environment]

Any designated heritage assets in the Parish and their settings, will be conserved and enhanced for their historic significance and their importance with particular regard to their local distinctiveness, character and sense of place.

Proposals for development that affect non-designated heritage assets will be considered taking account of the scale of any harm or loss and the significance of the heritage asset.

Any new housing or business development that is within the conservation area or the setting of any designated or non-designated heritage asset will be supported provided it does not have an adverse impact upon the significance of the heritage asset.

All new development should demonstrate a clear understanding of the rural context of Mendlesham and provide appropriate levels of landscaping, boundary and screening planting; in accordance with the "Landscape and visual assessment of Mendlesham" supporting document (SD19).

Policy - MP6 [Building design]

This policy aims to encourage new development to respect and fit in with the built form and character of Mendlesham. Development will be supported where:

- All building design and materials used shall respond (and be sympathetic to) the local character of Mendlesham, creating a sense of place appropriate to its location and adjacent buildings.
- The selection of proposed materials should be directly influenced by the surrounding context of Mendlesham.

Policy - MP7 [High speed broadband]

The provision of high speed broadband is seen as essential for all development proposals (dwellings and businesses) in the Parish.

All new dwellings and business buildings shall incorporate a suitable infrastructure to enable high speed broadband.

Policy - MP8 [Green areas]

Development will be supported where proposals for new housing include a suitable provision of, or contribution towards, functional green areas for local residents recreational purposes in accordance with the current Mid Suffolk District Council's standards for open space provision.

Such green area must maintain the rural character of the parish and respect its linkages to the local countryside.

Policy - MP11 [Paths and bridleways]

New housing and business developments shall, where possible, encourage usage of, and provide linkage to, the network of existing paths and bridleways in and around Mendlesham.

Development proposals for new housing and business developments shall, where possible, demonstrate that they have maximised opportunities to promote walking and cycling and access to the countryside via the Public Rights of Way.

Any proposed diversion of a Public Right of Way within a development site should not result in an adverse impact on residential amenity or the safety of the general public.

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

Town/Parish Council (Appendix 3)

Mendlesham Parish Clerk

Recommends Refusal :

- Note application is now Outline for up to 49 dwellings
- Proposal totally unacceptable and in the wrong place
- Not sustainable and not in accordance with the Neighbourhood Plan
- No planning reasons to approved and the District now has a 5YHLS
- Mendlesham has already delivered more than sufficient dwellings in a short period of time
- The application is not a small site of up to 20 dwellings outside the settlement boundary and therefore contrary to the Neighbourhood Plan
- Traffic volumes will affect residents health, wellbeing, safety and will damage historic buildings in the Village Conservation Area
- Acknowledge that the site is proposed to be allocated in the emerging Joint Local Plan but do not consider this should be attributed weight at this stage
- The allocation of the site in the JLP is not supported by the PC or local residents
- Consider the traffic report submitted by the applicant is out of date
- The impact of the proposed development on the A140 Junction need to be considered
- Do not consider proposed footpaths can be delivered
- Question whether the planning obligations suggested by the applicant are accurate
- Concerns with regards the development's impact on the existing Public Right of way to the boundary of the site
- Concern that dwellings will migrate into the area of land currently proposed for the Swale

National Consultee (Appendix 4)

Highways England

Offer no objection - unlikely to have any further impact on the strategic road network.

Historic England

Do not wish to offer any comments - Suggest that the LPA seek the views of their specialist conservation and archaeological advisers, as relevant.

Natural England

Natural England has no comments to make on this application.

Suffolk Wildlife Trust

No comments received (despite consulting on more than one occasion).

The Environment Agency

No objections provided the LPA have taken into account the flood risk considerations which are within their remit.

Anglian Water

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

East Suffolk Inland Drainage Board

No Comments to make - The site does not fall within the Internal Drainage District or watershed catchment of East Suffolk Internal Drainage Board.

NHS England (50+ Dwellings/C2/Care Or Nursing Homes)

Will not be requesting a developer contribution on this planning application.

Suffolk Preservation Society (Lavenham)

Object - Proposal is contrary to the Neighbourhood Plan and Draft Allocation in the Joint Local Plan cannot be attributed weight.

County Council Responses (Appendix 5)**SCC – Highways**

No Objection - Subject to compliance with suggested conditions. Summary of findings following review:

- The proposed visibility splays for the accesses are sufficient for this application;
- The proposal for 49 dwellings would create approximately 30 vehicle movements within the peak hour (1 vehicle every 2 minutes) therefore the additional vehicles from the development will not affect the capacity of the highway network in the area;
- The closest bus stop is 350m from the centre of the site with good public transport services;
- There is a proposal to create a footway from the site to Mayfield Way - would require a footway link to Ducksen Road to make it a continuous link to the Bus Stops, facilities and primary school;
- The development would not have a severe impact on the highway network (NPPF para 109) therefore SCC-Highways do not object to the proposal.

SCC - Archaeological Service

There are no grounds to consider refusal of permission to achieve preservation in situ of any important heritage assets. However, in accordance with the NPPF (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 - Flood & Water Management

Recommend Approval of this application subject to conditions.

Suffolk Police - Design Out Crime Officers

No comments at this stage due to final layout and design being reserved.

SCC - Fire & Rescue

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 fire fighting 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 - Travel Plan Co-ordinator

No comment to make.

SCC - Development Contributions Manager,

Apart from site-specific s106 school transport contribution, the development contributions will form the basis of a future bid to MSDC for CIL funds if planning permission is granted and implemented.

Internal Consultee Responses (Appendix 6)

Environmental Health - Land Contamination

No Objection - Having reviewed the application and supporting Phase I report by Nott Group - 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 - 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

No objections to this application but due to the location of the site and the proximity of existing residential premises, recommend working hours and burning restriction conditions during construction.

Environmental Health - Air Quality

No Objections - The development would not meet the criteria in the EPUK Guidance for requiring an air quality assessment. The predicted vehicle movements would be significantly below these criteria.

Environmental Health - Sustainability Issues

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.

Heritage Team

The proposed development would not likely cause harm to the significance of the nearby listed building. The amendments to the scheme have not changed the heritage implications in a way to add potential harm.

Arboricultural Officer

No comments received (despite consulting on more than one occasion).

MSDC - Waste Manager (Major Developments)

No objection subject to conditions: Bin presentation points; Roads suitable for Refuse and Recycling Vehicles.

Strategic Housing (Affordable/Major Dwel/G+T)

This is an open market development and based on 49 units should offer 17 affordable housing units = 35% policy compliant position.

Public Realm

The Public Realm team note the changes in the layout and the loss of the 'community field' and woodland in this new application. The proposed open space within the proposed development seems adequate.

Communities (Major Development)

No comments.

B: Representations

At the time of writing this report at least 28 letters/emails/online comments have been received. It is the officer opinion that this represents 28 objections, 0 support and 0 general comment. A verbal update shall be provided as necessary.

Views are summarised below:-

- Contrary to the adopted Mendlesham Neighbourhood Plan
- Beyond settlement boundary and encroachment into countryside
- Unacceptable demand on infrastructure - roads, health care, schools
- Increase demand on the overstretched capacity of the power, water and drainage utility services
- Cumulative impact owing to already approved developments in the village
- Highway safety concerns.
- Insufficient road network capacity
- Impact on character and appearance of the area
- Impact on the setting of nearby listed building
- Adverse impact on experience along Public Footpath
- Flood risk
- Light pollution
- Loss of 12 acres of prime agricultural land
- Loss of views and outlook
- Impact on wildlife - reduce fauna and flora, having a negative impact on local ecosystems
- Construction related amenity impacts - sound, vibration and dust nuisance
- No footpath connections proposed.
- Inappropriately located community open space

(Note: All individual representations are counted and considered. Repeated and/or additional communication from a single individual will be counted as one representation.)

PLANNING HISTORY

None directly relevant to the proposal site.

PART THREE – ASSESSMENT OF APPLICATION

1. The Site and Surroundings

- 1.1. The application site is located on the eastern side of Chapel Road, on the north-eastern fringe of Mendlesham, a designated 'Key Service Centre' in the Core Strategy 2008. The site comprises two arable fields. The field closest to Chapel Road, the southern field, measures 2.3ha in area. The northern field measures approximately 2.4ha and is surrounded by arable fields and hedges.
- 1.2. Chapel Road and a roadside hedge and ditch run along the site's western boundary. Detached dwellings are located opposite, on the western side of Chapel Road. South of the site are detached dwellings including two storey homes and bungalows. These are screened from the site by a hedge and public footpath (number 4884) that connects the open countryside to the east with Chapel Road. The eastern boundary comprises part hedge and part open to arable fields beyond. The northern boundary is marked with a ditch and trees.
- 1.3. The site is approximately 155m north of the Mendlesham Conservation Area. There is one listed building near the site, the Grade II listed Calves Pightle on the opposite side of Chapel Road. The site is not in or near an area designated for special landscape significance, e.g. Special Area of Conservation, Special Landscape Area, or AONB.
- 1.4. The site traverses Flood Zone 1, Flood Zones 2 and 3a. There are no protected trees on or adjacent to the subject land. The land is lower grade 3 agricultural land.
- 1.5. The nearest bus stops are located south of the site, at Old Market Street adjacent the Kings Head Inn (services 113 and 456) and Chapel Road adjacent St Marys Church (services 113, 114 and 115). Bus services operate between Mendlesham Ipswich and Eye on Weekdays and Saturdays at times which could be viable for employment purposes.

2. The Proposal

- 2.1. The current application seeks Outline Planning Permission, with all matters reserved save for access, for the erection of up to 49 no. dwellings on the site, including 35% affordable housing, public open space, public footpath connections and Sustainable Drainage. The proposal also seeks permission for the construction of a new estate road access to Chapel Road.
- 2.2. Although matters of Layout and Landscaping are presently reserved Indicative proposals are included within the outline submission which indicate the following:
 - 32 Open Market Houses: 4 no. 3 bed Bungalows; 8 no. 2 bed Houses; 13 no. 3 bed Houses; and 7 No. 4 bedroom Houses;
 - 17 Affordable Houses: 3 no. 1 bed Bungalows; 10 no. 2 bed Houses; and 4 no. 3 bed Houses;
 - 0.185 ha of Public Open Space at the centre of the housing development;

- A SUD Swale and associated maintenance area on land immediately to the north-east of the proposed housing development;
- A footpath link between the proposed access, along the Chapel Road Frontage, connecting into the existing Village paved footpath network at Mayfield Way; and
- Soft landscape tree planting to all existing site boundaries.

3. The Principle Of Development

- 3.1. The starting point for determination of any planning application 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).
- 3.2. The proposal site is outside of the settlement boundary for Mendlesham and is considered to be formally defined as greenfield land. Relevant local plan policies are policy H7 which seeks to restrict housing development unrelated to the needs of the countryside, and core strategy policy CS1 which identifies a settlement hierarchy and CS2 which also seeks to resist development in the countryside other than those listed in the policy. The NPPF has changed direction since these policies were adopted as detailed further below, so as to affect the weight of these policies in determining this application.
- 3.3. The Core Strategy Focused Review (2012) identified this change in line with the National Planning Policy Framework. Reflecting this policies FC1 – Presumption in favour of sustainable development and FC1.1 – Mid Suffolk approach to delivering sustainable development identify a more positive approach to proposed development.
- 3.4. It should be noted however that policy FC2 – Provision and distribution of housing seeks to identify the number of dwellings in Key Service Centres that should come forward on greenfield sites, 100 between 2017 to 2022 and 200 from 2022 to 2027.
- 3.5. The NPPF identifies in paragraph 213 that the weight attributed to policies should be according to their degree of consistency with the NPPF. The closer the aims of the policy are to the NPPF the greater the weight that can be attributed to them.
- 3.6. The NPPF also identifies that planning decisions should apply the presumption in favour of sustainable development (paragraph 11): “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 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.”
- 3.7. Footnote 7 of the NPPF identifies out-of-date includes the situation where the local planning authority cannot demonstrate a five year supply of deliverable housing sites or where the Housing Delivery Test indicates that the delivery of housing was less than 75% of the housing requirement over the previous three years. In this instance it is considered that the Council is able to demonstrate a five year housing land supply, as set out in the Council's Housing Land Supply Position Statement, and Joint Annual Monitoring Report, both published in September 2019.

- 3.8. Notwithstanding the Council's current housing land supply position, the development plan policies most important for determining the application (policies: H7, CS1, CS2 and FC2) are considered to be out-of-date as a result of not being consistent with the aims of the NPPF and, therefore, are accorded significantly less weight than they would have been prior to the publication of the NPPF. This position was identified in the appeal decision for appeal APP/W3520/W/18/3194926 at land at east side of Green Road, Woolpit (September 2018) which is a material consideration. Policy FC1 of the Core Strategy Focused Review repeated the requirements of the former paragraph 14 of the NPPF (2012), which is replaced now with paragraph 11 (NPPF 2019) which is the more relevant consideration, and so this policy is given less weight. Policy FC1.1 seeking to conserve and enhance the local character of different parts of the district, is up-to-date and relevant to this application. These two policies seek to promote the principles of sustainable development.
- 3.9. The presumption in favour of sustainable development should apply in this instance given the above considerations, except for the provisions of paragraph 177 of the NPPF.
- 3.10. It cannot be ignored that the policies most important for determining the application do not accord with the NPPF. Therefore less weight will still be given to these policies as identified above. Whilst tension with the development plan exists and is noted, that tension is considered to be less significant as a consequence, in light of the lesser weight afforded to the most important development plan policies relevant to this application where they are not consistent with the NPPF.
- 3.11. Therefore an assessment against the development plan is made, considering the material consideration of the NPPF and the purpose of the planning system to contribute to the achievement of sustainable development.
- 3.12. The development plan and NPPF share the same approach of contributing to the achievement of sustainable development.
- 3.13. There are three overarching objectives to achieve sustainable development, which are interdependent and need to be pursued as a whole so that opportunities can be taken to secure net gains across different objectives. These objectives are social, environmental and economic. The merits of the scheme against these objectives and the up-to-date requirements of the development plan are considered below, and a conclusion will be drawn as to whether the development is considered to contribute to the achievement of sustainable development.
- 3.14. In addition to the NPPF sustainability balancing exercise referred to above, the proposed development is considered to lie within the settlement pattern and character of an existing Key Service Centre settlement, bounded by existing housing developments to the south-east and south-west, and not to be overly intrusive into open countryside. The proposed dwelling is not, therefore, considered to be isolated, as per the meaning in paragraph 79 of the NPPF.
- 3.15. It is noted that the proposal site is included within the emerging Joint Local Plan as a potential housing land allocation (Ref: LA074) for approximately 50 dwellings. However, your officers advise that no significant weight can presently be attributed to this document, which is still at consultation stage.
- 3.16. The subject land does, however, comprise site Ref: SS0083 allocated in the Draft Strategic Housing and Employment Land Availability Assessment (SHELAA) (August 2017). In respect to development suitability the Draft SHELAA states that: "The site is potentially considered suitable for residential development, taking identified constraints into consideration. Part development of the western aspect is recommended. Estimated new net site area: 2.2ha". The estimated yield

recommended in the Draft SHELAA (August 2017) is 50 dwellings. It is considered that this technical study can be attributed due weight in consideration of this planning application, as part of the Council's on-going development plan evidence base.

- 3.17. Mendlesham Neighbourhood Plan Policy MP1 states that development proposals immediately adjacent to the existing Mendlesham village boundary, to develop small sites of sustainable new homes, will be supported subject to the meeting of relevant planning policies. It goes on to state (officer emphasis): 'The local community prefers small sites to provide 20 dwellings or less. Each proposal will be judged on its merits.'
- 3.18. It is clear that the MNP contemplates new residential development outside the village provided it adjoins the settlement boundary. The proposal complies in this regard. The NP expresses a 'preference' for small sites accommodating 20 dwellings or less. It is not an outright requirement, such a policy would be overly prescriptive and would fail the tests of good plan making. Your officers do not agree with representation received contending submitters who contend that Policy MP1 states that only small scale developments of up to 20 dwellings will be supported outside the village boundary. Policy MP1 is not drafted in this manner. For the reasons set out in this report, the merits of the application are such that the departure from the stated MNP 'preference' is considered justified in this instance.

4. Nearby Services and Connections Assessment Of Proposal

- 4.1. The site is located outside any settlement boundary currently defined in the development plan, however it is considered that the site lies within the settlement pattern of a sustainable Key Service Centre Village and is within reasonable walking distance of Village services and facilities, which the proposed development would in turn support.
- 4.2. The site is also considered to be within walking distance of Village Bus Stops, with reasonable service connections to Eye and Ipswich higher order settlements.
- 4.3. Should improved footpath connections be secured, as proposed, then it is considered that future occupants would be able to access Village Services and facilities and Bus Stops safely.
- 4.4. The proposal is, therefore, considered to represent sustainable development in relation to connections to services, facilities and employment.

5. Site Access, Parking And Highway Safety Considerations

- 5.1. Access is the only matter sought for approval. Saved Policy T10 of the Local Plan requires the Local Planning Authority to consider a number of highway matters when determining planning applications, including; the provision of safe access, the safe and free flow of traffic and pedestrian safety, safe capacity of the road network and the provision of adequate parking and turning for vehicles. Policy T10 is a general transport policy which is generally consistent with Section 9 of the NPPF on promoting sustainable transport. Its safety focus is also consistent with paragraph 108 of the NPPF which requires development proposals, incorporate safe and suitable access that can be achieved for all users. Saved Policy T10 is therefore attached substantial weight.
- 5.2. Paragraph 109 of the NPPF confirms that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- 5.3. Many of the representations received object to the proposal on traffic grounds, in particular the capacity of the existing road network to absorb the traffic generated by the development. Many are concerned with the current condition of the local road network and that the majority of movements generated by the development must travel through the centre of the village and that the centre is not suitable for the projected additional vehicle movements.
- 5.4. SCC - Local Highway Authority does not object to the anticipated increase in traffic generated by the proposal on the local road network and consider that the proposal for 49 dwellings would create approximately 30 vehicle movements within the peak hour (1 vehicle every 2 minutes) therefore the additional vehicles from the development will not affect the capacity of the highway network in the area.
- 5.5. Your officers recognise that vehicular activity in the village would increase as a result of the development, however there is no substantiated evidence to demonstrate how that would adversely affect the scale or function of the village.
- 5.6. Representations also raise objection regarding the safety of the proposed access onto Chapel Road. The LHA is clear on this matter, confirming that the proposed visibility splays for the proposed access sufficient for this application. In respect to the application's performance in the context of paragraph 109 of the NPPF, again the LHA is clear in its advice that the development would not have a severe impact on the highway network (NPPF para 109) and therefore do not object to the proposal. The proposal, therefore, accords with saved Policy T10 and paragraph 108 of the NPPF.
- 5.7. On the basis of the advice of the LHA, and the absence of significant evidence to the contrary, a reason for refusal based on highway safety grounds is not considered reasonable or sustainable.
- 5.8. The internal layout of the site is currently indicative only, and there would be the opportunity, at a reserved matters stage, to assess how the final design performs in respect to the quantum of parking spaces, turning areas, road and footway layout. Significant scrutiny of the proposed layout, against current Suffolk Adopted Parking Standards, is a matter for the detailed design stage.

6. Design And Layout [Impact On Street Scene]

- 6.1. The internal layout of the site is currently indicative only, and there would be the opportunity, at a reserved matters stage, to assess the appropriateness of the final layout and design and how this relates to established Village Character. Significant scrutiny of the proposed design and layout, against the Design Policies of the NPPF and Development Plan (including the Neighbourhood Plan), is a matter for the detailed design stage.
- 6.2. Notwithstanding the above, it is considered that the indicative layout provided demonstrates that the site could accommodate up to 49 dwellings, of a design and layout as indicated.

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

- 7.1. Policy CS5 of the Core Strategy seeks to protect and conserve landscape qualities taking into account the natural environment and the historical dimension of the landscape as a whole rather than concentrating solely on selected areas, protecting the District's most important components and encouraging development that is consistent with conserving its overall character.

- 7.2. Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils.
- 7.3. The application is supported by a Landscape Visual Assessment (LVA). The site does not lie within, nor near any landscape designation. Your officers agree with the LVA which states that the site's visual sensitivities lie in its visual prominence, owing to the openness of the landscape to the north of the village, and its position adjacent to a long distance footpath. The LVA concludes that the containment from the existing village edge to the south, and likely effectiveness of mitigation planting, means the landscape has a reasonable capacity to assimilate a development of the nature proposed without significant adverse effects on the wider Plateau Clayland character in the mid to longer term. Your officers agree.
- 7.4. Developments of the scale proposed inevitably lead to a significant landscape change. There will be an urbanising effect and loss of rural character, this is inevitable when developing open countryside, however the site is well related in a physical sense to the body of the village. The site is framed to the west and south by residential development. The backdrop of the town limits the landscape harm.
- 7.5. Policy MP10 of the Neighbourhood Plan requires the protection of visually important open spaces within or abutting settlement boundaries. This is consistent with saved Local Plan Policy SB3 which seeks to retain visually important open spaces because of their contribution to the character and appearance of their surroundings.
- 7.6. The Neighbourhood Plan and Local Plan Inset Map of Mendlesham identify visually important open spaces. Neither the subject land, nor any nearby land, is identified in NP or LP inset maps as forming part of a visually important open space. NP policy MP10 and LP policy SB3 are therefore not engaged.
- 7.7. The MNP Proposals Map (fig 2.2) identifies the visually important spaces that the plan seeks to protect. Also of relevance is the Supporting document SD19 (Landscape and Visual Assessment of Mendlesham) to the MNP as this too identifies the visually important open spaces. The site is not in or near a visually important open space as identified on either the Proposals Map or Supporting document SD19. The nearest visually important open space identified in these documents is at, and around, St Mary's Church, some considerable distance south of the site and screened from the site by the body of the village. The development will not compromise the nearest MNP identified visually important open space.
- 7.8. Figure 6.7 of the MNP identifies the principal views in and around Mendlesham. The figure identifies a viewpoint of high significance at the northern entrance to the village adjacent to the subject site. This viewpoint is identified in the Supporting document SD19 (Landscape and Visual Assessment of Mendlesham) as 'Viewpoint 9: View from Chapel Road looking East in from stream bridge'. SD19 states that visual sensitivity is considered high and that the view is defined by the gaps within hedgerows and the screened backs of properties on Mayfield Way.
- 7.9. It is acknowledged that the proposed development could directly impact Viewpoint 9. Whilst visual sensitivity at this location may be described as high, officers are not convinced the change in character that will result from the development will be inappropriate. As noted in the supporting LVA, the proposal results in the village edge merely extending outward to the north, to a naturally defined vegetated boundary. On the approach to the village the view of the backs of properties fronting Mayfield Way is not remarkable. There is nothing particularly special on the approach that differentiates it from many other village approaches in the District.

- 7.10. On exiting the village the view to the northeast is pleasing, across the open field of the application site. The same applies to views north from the public right of way adjoining the village boundary. Clearly the development will result in a loss of the open field and therefore these views will also change considerably. The countryside at this location is however not a remote area; its character is already influenced by proximity to the urban area of the village, both immediately south of the site as well as opposite on the western side of Chapel Road. The dwelling to the north, Robin Hall, and the access track immediately before it, serve as a visual bookend to the site that, to some extent, offers a sense of built form termination and a natural boundary junction. For these reasons, whilst the visual experience upon leaving the village and from the public right of way will be a different one, one characterised by urban development rather than an undeveloped rural environment, the effect on the experience will not be seriously adverse.
- 7.11. The appearance of the development would depend to a large extent on matters yet to be determined through approval of the reserved matters. However, the proposed indicative layout shows a general approach to the development that is acceptable. Landscaping, including retention of most existing trees, shrubs and hedges on the site, will play a critical part and will need to be very carefully considered at the landscaping reserved matter stage of the development process.
- 7.12. There will be a change in the outlook from the rear of properties fronting Mayfield Way, albeit the vegetation along this boundary offers a fair degree of established screening. A number of submitters object on this ground. It is entirely understandable that Mayfield Way residents would likely prefer the site to remain as open fields and would consider that they would be adversely affected by its development, though it is likely that the same concerns were felt by others when the dwellings now adjacent to the site within the Mayfield Way and Mead Way estate were developed in the 1960/70s. But it is well established that there is no right to such private views and that their loss is not as such regarded as a planning consideration even if it affects the values of the houses concerned.
- 7.13. Whenever a development creates a new village edge careful attention, naturally, must be paid to the design treatment at the newly created edge. The proposal suggests bungalows for the new northern edge, coupled with extensive landscape planting and retention of the existing vegetation. This design detail is more for the reserved matters stage of the development process, however these principles are supported and offer the potential to ensure an appropriate, soft landscape edge is achieved.
- 7.14. Density is an important landscape consideration. Policy CS9 requires new housing developments make best use of land by achieving densities of at least 30 dwellings per hectare. The density of housing as shown on the indicative layout is 20 dwellings per hectare. The applicant contends a reduced density is warranted, as it reflects the edge of village location of the site and is required to ensure an appropriate landscape response is realised. Your officers agree. In this case there is no harm resulting from the identified conflict with Policy CS9.
- 7.15. The depth of the development relative to the depth of the village is an important landscape consideration. The nature of Mendlesham is a village not characterised by linear development, but rather estate development which extends in depth from, largely, Chapel Road. Whilst the depth of the site is considerable, it matches the depth of the adjacent southern estate. Put another way, the proposed built form does not project beyond the village's existing eastern boundary. This is an important design element and one that assists in limiting countryside intrusion and mitigating landscape harm.

- 7.16. As noted above, the MNP expresses a preference for small scale development at the village edge of up to 20 dwellings. A 20 dwelling development at this site would likely result in the creation of an unnatural boundary midway along the open field. The boundary would be set well within the village's established eastern boundary. Any advantages in landscape terms of limiting the development in this way would be very limited. The eastern boundary of the site as proposed is a natural termination, offering a 'rounding off' of the village at its north-eastern corner. There are no landscape gains in seeking to reduce the development scale to a 20 dwelling development. Moreover, there are no apparent amenity gains to be made either.
- 7.17. Supporting document SD19 observes that whilst some areas of the Mendlesham landscape are identified as being sensitive to development, with careful consideration for retention and enhancement of local features, development in certain locations could be suitably integrated within the local landscape without resulting in significant disruption to local landscape character. Officers consider the subject site is one of those locations envisaged by the SD19 where suitable landscape integration can be achieved. This conclusion is reached having regard to the fact that the local landscape is not designated either in the Local Plan, Core Strategy or MNP, the built development will be confined to within natural and logical boundaries and the site character is already influenced by proximity to the village body immediately south and west. Officers consider that that the adverse effect on the visual character of the landscape would be less than moderate.

8. Heritage Issues [Including The Impact On The Character And Appearance Of The Conservation Area And On The Setting Of Neighbouring Listed Buildings]

- 8.1. Policy HB1 of the Local Plan seeks to protect the character and appearance of buildings of architectural or historic interest, particularly protecting the settings of Listed Buildings. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Listed Building or its setting.
- 8.2. The only listed building to be potentially affected by the development is the Grade II listed dwelling Calves Pightle, located opposite the site on the western side of Chapel Road. The Suffolk Preservation Society (SPS) considers the development will have a detrimental impact on the setting of this heritage asset. Council's Heritage Team takes a different view, which considers that the proposal is unlikely to detrimentally impact the setting of Calves Pightle or the adjacent Ark Cottage, the their view a non-designated heritage asset. This conclusion is reached for the principal reason that the historic isolated character of Calves Pightle has been lost through C20 development, and the development of the application site would not further compound this.
- 8.3. Officers consider that the SPS overstates the development's likely impact on Calves Pightle. The SPS states that the historic agricultural context and isolation from the village is significant and that the proposed 49 dwellings will completely surround the once isolated listed cottage. Any historic agricultural context is barely discernible. The cottage will be surrounded by built form if the development proceeds, however given the extent of the enclosure that has occurred by more recent and unfortunate development much closer to it, the effect of enclosure by the development will be very limited. The listed building's heritage significance will be barely compromised.
- 8.4. Officers prefer the conclusions of the Heritage Team, whom consider the proposal to unlikely cause harm to the significance of the nearby designated and non-designated heritage assets.
- 8.5. Concerns are raised regarding the impact of the proposal on the Mendlesham Conservation Area. The heritage significance of the Conservation Area largely derives from its identifiable rural village character and its historic core. The site lies to the north-east of the Conservation Area, separated

from it by the main part of the village which extends north from the historic core. There will be little if any intervisibility between the development and the Conservation Area. Moreover, the site does not afford any experience of the Conservation Area as a heritage asset, nor does its current undeveloped state assist in understanding or appreciating the heritage significance of the Conservation Area. Neither can the site be said to lie within the setting of the listed buildings in the Conservation Area. Development of the site would not impinge upon any sensitive views into or out of the Conservation Area. There would be no harm therefore, to the heritage interest of the Conservation Area or the special architectural or historic interest of the listed buildings within it. There is no conflict with saved Local Plan Policy HB8.

- 8.6. On the whole, impacts on heritage assets are deemed negligible. There is no identified conflict with local or national heritage policy.
- 8.7. SCC-Archaeological Service notes the site lies in an area of archaeological potential, with numerous finds of medieval, Saxon and Roman Material in adjacent fields, and finds recorded on the Portable Antiquities Scheme Database. Thus, there is high potential for the discovery of below-ground heritage assets of archaeological importance within the area.
- 8.8. The SCC-Archaeology note that there are no grounds to consider refusal of permission and it recommends standard planning conditions. Officers concur with the recommended approach.

9. Impact On Residential Amenity

- 9.1. Saved Policy H13 of the Local Plan seeks to ensure new housing development protects the amenity of neighbouring residents. Saved Policy H16 of the Local Plan seeks to protect the existing amenity of residential areas. Paragraph 127 of the NPPF sets out a number of core planning principles as to underpin decision-taking, including, seeking to secure a high standard of amenity for all existing and future occupants of land and buildings.
- 9.2. There is nothing in the application that suggests residential amenity cannot be adequately managed at the appropriate reserved matters stage of the development process. The majority of properties on the north side of Mayfield Way adjacent to the site have long rear gardens. Coupled with this is the public right of way located between these long gardens and the site, which will serve as a very effective amenity buffer, such that the normal minimum separation distances for light and privacy will very easily be achieved. If needed, and as observed in the supporting Planning Statement, the amenity of homes in Mayfield Way can be protected by locating bungalows next to the existing bungalows.
- 9.3. The application does not conflict with saved Policy H13 or Policy H16.

10. Land Contamination

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

11. Flood Risk and Drainage

- 11.1. The land is located in part Flood Zone 1, 2 and 3a. The indicative layout shows that the proposed dwellings are all located within the confines of Flood Zone 1, reflective of a design that responds to its physical constraints.

- 11.2. The application is supported by a Flood Risk Assessment (FRA) which has been reviewed by SCC – Local Lead Flood Authority and the Environment Agency. SCC – LLFA recommend approval of this application, subject to conditions, following receipt of further information from the applicant. Your officers consider that additional information, required by condition, can be readily managed at the reserved matters stage of the regulatory process or by planning conditions, in consultation with the SCC – LLFA Team, as per standard industry approach.
- 11.3. Noteworthy is the absence of an objection from the Environment Agency, to which considerable weight is attached.

12. Ecology / Biodiversity

- 12.1. Policy CS5 of the Core Strategy requires development to protect, manage and enhance Mid Suffolk's biodiversity. Wildlife and Countryside Act (1981 (as amended) and the Conservation of Habitats and Species Regulations (2017) (as amended) require all 'competent authorities' (public bodies) to 'have regard to the Habitats Directive in the exercise of its functions.' For a Local Planning Authority to comply with the regulations it must 'engage' with the provisions of the Habitats Directive.
- 12.2. An ecology report supports the application, recommending ecological enhancements. Your officers consider that such enhancements can be secured by planning condition, as is standard practice. Compared to agricultural use of the land, there will be a net gain to biodiversity which would be a benefit of the scheme.

13. Public Rights of Way

- 13.1. Paragraph 98 of the NPPF states that decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users. Policy MP11 (Paths and bridleways) of the MNP states that new housing shall, where possible, encourage usage of, and provide linkage to, the network of existing paths and bridleways in and around Mendlesham. The proposal fully integrates with the adjoining PROW. The Highways Authority requires as part of the development an upgrade of the PROW, including resurfacing and widening. In addition, the application proposes an enhanced landscaping treatment for the PROW. The works will result in better facilities for users of the PROW. The proposal accords with MNP Policy MP11 and paragraph 98 of the NPPF.

14. Planning Obligations / CIL (delete if not applicable)

- 14.1. The application is liable to CIL which would be managed through the standard independent CIL process triggered at the reserved matters stage.
 - 14.2. As noted above, the application, if approved, would require the completion of a S106 agreement to secure on-site delivery of 35% affordable housing and a management plan for the public open space area.
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PART FOUR – CONCLUSION

15. Planning Balance and Conclusion

- 15.1. Council benefits from a five year housing supply. The tilted balance at paragraph 11(d) of the NPPF is not engaged.
- 15.2. The site is outside the settlement boundary and therefore the proposal conflicts with CS1, CS2 and H7. Having regard to the advanced age of the Mid Suffolk settlement boundaries and the absence of a balanced approach as favoured by the NPPF, the statutory weight to be attached to the above policies is reduced and therefore the conflict is afforded limited weight in the planning balance. Noteworthy is the adopted MNP, the most recent of the relevant development plan policies, which anticipates development outside the village boundary (provided it adjoins the boundary). It is acknowledged that the MNP prefers small scale developments of up to 20 dwellings at the boundary, however the proposed departure from this preference in this instance will not result in severe adverse planning outcomes.
- 15.3. Development of the site for residential purposes is consistent with the recommendations of the Draft SHELAA (August 2017). The proposed quantum of dwellings generally accords with the estimated quantum specified in the draft SHELAA.
- 15.4. The provision of 17 affordable housing units is a social benefit, as is the 49 dwelling contribution to the local housing stock, albeit these considerations are attached less than moderate weight given Council's positive housing supply position. The addition of up to 49 new dwellings would offer meaningful support for the local services in the town, both during construction and following occupation of the development. The public open space contributions offer positive social and environmental value, although this too is attached relatively limited weight given the settlement's existing open space provision. The PROW will be subject of improvement works, including surfacing, widening and landscaping, positives for the local community. Enhancing the pedestrian connectivity to the village along Chapel Road will be of benefit to the existing and future residents at the settlement's northern fringe.
- 15.5. The site is a sustainable location, offering pedestrian connectivity to local services complemented by a good local bus network connecting to settlements nearby. Car dependency will be low, limiting environmental harm. The proposal would not be physically, visually or functionally isolated. Paragraph 79 of the NPPF does not engage. The site's sustainable location is a positive.
- 15.6. There is no evidence that the local highway network does not have the capacity to safely absorb the traffic generated by up to 49 dwellings, as confirmed by the Highways Authority. The proposed access arrangements are deemed acceptable, a neutral factor in the planning balance. The development has the ability to offer biodiversity gains.
- 15.7. CIL contributions will be used to ensure existing infrastructure capacity is enhanced to meet additional demand, a neutral outcome in the planning balance. Matters such as archaeology and drainage can be resolved or mitigated to an acceptable level by planning conditions.
- 15.8. Harm to heritage assets will be slight. There will be no effect on the town's historic core. There will be landscape harm however it will be relatively localised and offset by the backdrop of the village immediately next to it. The level of harm is deemed less than moderate. Design detail,

and performance against relevant development plan policies, including the MNP, will be a focus for subsequent reserved matters applications. The loss of productive agricultural land is unfortunate but is of such relatively small scale (in the context of the quantum of BMV land in the district) that it is attached only very modest weight.

- 15.9 There is some conflict with the development plan. However when account is taken of the weight that can be ascribed to many of the relevant policies in the development plan in light of their consistency with the NPPF, officers are satisfied that the adverse impacts of the development would not significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken in the round. On balance, the proposal can be considered as comprising sustainable development and thus benefits from the presumption in favour of such as set out in the NPPF.
- 15.10 Your officers have taken full and careful account of all the representations that have been made, which have been balanced against the provisions of the development plan and the National Planning Policy Framework. For the reasons set out above, the evidence is such that the outline application is recommended for approval.

RECOMMENDATION

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

- Provision, management and maintenance of Public Open Space;
- 35% onsite delivery of Affordable housing provision.

(2) That the Chief Planning Officer be authorised to Grant Outline Planning Permission upon completion of the legal agreement subject to conditions as summarised below and those as may be deemed necessary by the Chief Planning Officer:

- Standard - Outline Time Limit Condition and Time Limit for Submission of Reserved Matters
- Standard - Reserved Matters Condition
- Standard - Approved Plans and Documents Condition
- Those required by SCC - Archaeology
- Those required by the Local Lead Flood Authority
- Those required by the Local Highways Authority
- Sustainability and Energy Strategy
- Bin Presentation Points
- Road Layout suitable for Refuse and Recycling collection Vehicles
- Those required by Environmental Protection Officers during construction
- Fire Hydrant provision details
- Ecology Mitigation and Enhancement Measures (Including Hedgehog Fencing)
- Lighting Scheme - Biodiversity
- Withdrawal of PD Rights
- CIL Phasing Plan Concurrently with Reserved Matters

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

- Pro active working statement
- SCC Highways notes
- Support for sustainable development principles
- Contaminated Land Note
- Ecology / Biodiversity Note
- Public Rights of Way Responsibilities Note

(4) That in the event of the Planning obligations or requirements referred to in Resolution (1) above not being secured and/or not secured within 6 months that the Chief Planning Officer be authorised to refuse the application on appropriate ground