

Committee Report

Item 7C

Reference: DC/19/02312

Case Officer: Jack Wilkinson

Ward: Stradbroke and Laxfield

Ward Members: Cllr Julie Flatman

RECOMMENDATION – GRANT OUTLINE PLANNING PERMISSION SUBJECT TO CONDITIONS AND S106

Description of Development

Outline Planning Application (with all matters reserved except access) - Erection of 49 dwellings and associated operations, including; vehicular and pedestrian access, provision of school car park, open space, infrastructure and landscaping.

Location

Address: Land On The South Side Of Framlingham Road, Laxfield, Suffolk

Parish: Laxfield

Site Area: 4.29 ha

Conservation Area: Not in Conservation Area

Listed Building: Not listed

Received: 13/05/2019

Expiry Date: 01/02/2020

Application Type: Outline Planning Permission

Development Type: Small Scale Major Dwellings

Environmental Impact Assessment: N/A

Applicant: New Hall Properties (Eastern) Ltd

Agent: N/A

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason:

- The application is a Major Application, requiring determination by Planning Committee as the amount of houses proposed exceeds 15 in total.

Details of Previous Committee / Resolutions and Member Site Visit

None.

PART TWO – APPLICATION BACKGROUND

Summary of Policies

FC01 - Presumption In Favour of Sustainable Development
FC01_1 - Mid Suffolk Approach to Delivering Sustainable Development
FC02 - Provision and Distribution of Housing
CS01 - Settlement Hierarchy
CS02 - Development in the Countryside & Countryside Villages
CS03 - Reduce Contributions to Climate Change
CS04 - Adapting to Climate Change
CS05 - Mid Suffolk's Environment
CS06 - Services and Infrastructure
GP01 - Design and layout of development
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
CL08 - Protecting wildlife habitats

Other Material Planning Documents

National Planning Policy Framework (2019)
Nationally Described Space Standards (2019)
Suffolk Adopted Parking Standards (2015)
Suffolk Design Guide (2000)

Pre-Application Advice

None.

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

Environmental Health - Land Contamination

No objection. Request that the LPA be contacted in the event of unexpected ground conditions be encountered during construction.

Strategic Housing

No objection. A condition will be included in the planning consent to reflect that the applicant has taken account of the ageing demographic profile for Mid Suffolk - *"Prior to or concurrent with the first reserved matters application submitted, details of the mix of type and size of the*

market dwellings to be provided shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details".

There should also be standard trigger points for the delivery of the affordable housing - this will then be included in the S106 agreement as a matter of course.

Anglian Water

No objection. Foul drainage is in the catchment of Halesworth Water Recycling Centre, that will have available capacity for these flows. The sewerage system at present has available capacity for these flows via a gravity discharge regime. Anglian Water make several informative points in regard to the Used Water Network from the proposed development. The preferred method of surface water disposal would be to a sustainable drainage system, with connection to a sewer seen as the last option. The proposed method of surface water management does not relate to Anglian Water operated assets. The LPA should seek the advice of the Lead Local Flood Authority. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse.

SCC - Development Contributions Manager

No objection. The County Council would make a future bid for CIL funding of £199,152 to primary school provision, £82,980 to pre-school provision, £45,476 to sixth form provision, and £10,584 to library provision. Request that the school car parking spaces be constructed at an early phase of the development and then transferred to SCC. Land to be secured via a planning obligation, the developer to construct and lay out the car park including a low-level fence and gate around the school car parking area and make it available for the school's use before occupation, and the freehold transferred to SCC for £1.

Local Highways Authority

No objection. The development would not have an unacceptable impact on highway safety. However, the LHA suggest several conditions relating to access, electric charging points and refuse bins. Further detail can be found in the consultation response.

Local Flood Authority

No objection. Recommend approval subject to specific conditions relating to drainage.

Ecology - Place Services

No objection. Support for the proposed biodiversity enhancements. Therefore, no objection to the proposal, subject to the following mitigation and enhancement measures:

Action required in accordance with ecological appraisal recommendations

Prior to slab level: Biodiversity enhancement strategy

Prior to occupation: Wildlife sensitive lighting design scheme

SCC - Fire & Rescue

No objection. Access to buildings for fire appliances and firefighters must meet requirements specified in Building Regulations. Suffolk Fire and Rescue Service also requires a minimum capacity for hard standing for pumping/high reach appliances of 15/26 tonnes, not 12.5 tonnes as detailed in Building Regulations. 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. Should approval be granted, adequate provision should be made for fire hydrants through a planning condition. Requirement that fire hydrants be installed retrospectively by the developer if the LPA has not submitted a reason for the non-implementation of the required condition in the first instance.

SCC - Archaeological Service

No objection. There is high potential for the discovery of below-ground heritage assets of archaeological importance within this area, any groundworks have the potential to damage or destroy any archaeological remains which exist.

No grounds to consider refusal, however 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. Therefore, the following two conditions would be appropriate:

- No development shall take place within the site until a programme of archaeological work has been secured.
- No building shall be occupied until the site investigation and post investigation assessment has been approved by the LPA.

Public Realm

No objection. There is an area of public open space associated with this development. Whilst this seems to be of an appropriate size for the development, its location on the western and southern edges of the proposed development makes it of limited value to anyone other than the new residents of this development. For this reason, it would not be anticipated that the District Council would become responsible for the open space or be involved in its future maintenance. A local solution for management and future maintenance of this space is anticipated. Furthermore, the parking provided for the school staff and parents should be managed locally. It would be anticipated that litter bins would be provided in these parking areas as part of the development.

Natural England

No comments.

SCC - Travel Plan Co-ordinator

No comments.

Heritage Team

Considers that the proposal would have potential to cause less than substantial harm to a designated heritage asset because it could adversely affect the setting of Chestnut Tree Farmhouse to the north of Framlingham Road. This level of harm can be minimised by means of layout, scale and landscaping.

Planning Policy

No objection. Although the proposed development site is considerably larger in scale and dwelling numbers than the proposed settlement boundary changes of the emerging Joint Local Plan, the reduction from the initially proposed 65 dwellings to 49 dwellings is acknowledged, as well as the fact that the proposal provides a solution to identified infrastructure needs to enable the primary school expansion. Furthermore, this infrastructure solution is capable of delivery through the above means.

The County Council have confirmed their support of the delivery of the school car park to maintain the ability for the primary school to expand. It is necessary that the development only takes place if the infrastructure mitigation as proposed is delivered, as if the primary school is unable to expand through the relocation of the car parking for the school, this development would cause adverse harm in respect of social and environmental conditions, as the children arising from this development would need to be bussed or driven to the nearest primary school.

SCC – Public Rights of Way Officer

No comments.

Laxfield Parish Council

Objection. Concerns over the adherence to local and national policies, scale of the proposed development, safety of public highways, and developing on good quality agricultural land. Concerns over the mix of housing (stating that Laxfield currently has an over-supply of large houses), provision of a School car park, accessibility to local transport, and environmental sustainability.

B: Representations

108 objections have been received, summarised as follows:

- Proposal raises concerns over road safety.
- Application is lacking information
- Affects Local Ecology/Wildlife
- Boundary Issues
- Building Work
- Development too high
- Conflict with local plan
- Conflict with NPPF
- Design
- Dominating/Overbearing
- General dislike of proposal
- Harm to Listed Building
- Fear of Crime
- Health & Safety
- Impact on Property Value
- Inadequate Access
- Inadequate parking provision
- Inadequate public transport provisions
- Increase in Pollution
- Increase danger of flooding
- Increased Traffic/Highways Issues
- Landscape Impact
- Light Pollution
- Loss of light
- Loss of Open Space
- Loss of Outlook
- Noise
- Other - give details
- Out of Character with the Area
- Over development of site
- Residential Amenity
- Scale
- Strain on existing community facilities

- Sustainability

PART THREE – ASSESSMENT OF APPLICATION

From an assessment of relevant planning policy and guidance, representations received, the planning designations and other material issues the main planning considerations considered relevant to this case are set out including the reason/s for the decision, any alternative options considered and rejected. Where a decision is taken under a specific express authorisation, the names of any Member of the Council or local government body who has declared a conflict of interest are recorded.

1. The Site and Surroundings

- 1.1 The application site comprises 4.29 hectares of agricultural land situated on the southern and eastern side of Framlingham Road, Laxfield. The site forms the entirety of an 'L' shaped field parcel, extending from the village edge westward. Through the eyes of planning policy, the site is located in the countryside.
- 1.2 The topography of the site is predominately flat, although there is a gentle decline towards the south-west corner. In terms of ground cover, the site is relatively open to the centre with established hedgerows and trees to the periphery edges.
- 1.3 Framlingham Road, from which the site is accessed, is a rural highway that serves a number of properties, continuing westward to the B1116 and eastward through the village of Laxfield via the B1117. The site lies within the immediacy of existing development, with residential properties positioned to the north and east of the site. All Saints C of E Primary School lies to directly north, on the opposite side of Framlingham Road.
- 1.4 The site is not in a vulnerable flood zone area and is not within or adjacent to a Conservation Area, nor is it within or adjacent to an Area of Outstanding Natural Beauty, Site of Special Scientific Interest, Air Quality Management Area, Special Landscape Area, Local Green Space, Area of Visual/Recreational Amenity, or any other land. The site is visually unconstrained.

2. The Proposal and Site History

- 2.1 The application is for outline planning permission for; Erection of 49 dwellings and associated operations, including; vehicular and pedestrian access, provision of school car park, open space, infrastructure and landscaping.
- 2.2 The application is supported by a suite of plans. Key elements of the indicative layout are as follows:
 - Construction of a new vehicular and pedestrian access point into the site from Framlingham Road running north, in order to serve the development.
 - Quantum mix of detached and semi-detached dwellings together with detached garaging.
 - Allocated parking and driveway areas, with private drive accesses.
 - Parking for All Saints C of E Primary School

- Pedestrian link to Mill Road
- Formation of a new area of soft-landscaped public open space.
- Retention of majority of trees along the western, northern and southern boundaries of the site.
- Significant area of public open space provided on the southern part of the site.
- Affordable Housing provision of 17 no. dwellings (equivalent to 35%).

3. The Principle of Development

- 3.1 The National Planning Policy Framework (NPPF) requires Councils to identify and update, on an annual basis, a supply of specific deliverable sites to provide for 5 years housing provision against identified requirements (Paragraph 73). For sites to be considered deliverable they have to be available, suitable, achievable and viable. The District is able to demonstrate a 5 year housing land supply. As such, the 'tilted balance' as set out under Paragraph 11(d) is not engaged.
- 3.2 Policy CS1 of the Core Strategy identifies a settlement hierarchy as to sequentially direct development, forming part of a strategy to provide for a sustainable level of growth. The Policy identifies categories of settlement within the district, with Towns representing the most preferable location for development, followed by the Key Service Centres, Primary then Secondary Villages.
- 3.3 The proposal site is located outside of a defined Settlement Boundary, in the countryside, and is therefore in conflict with Policy CS1 of the Core Strategy. The proposal represents housing development in the countryside, and in applying the principle of policy, the proposal is inconsistent with the aims and objectives of CS1.
- 3.4 However, LPA Officers acknowledge Planning Appeal decision APP/W3520/W/18/3194926 for Woolpit, which does reduce the weight of CS1 and other policies given the age of the Local Plan and conflicts with the NPPF. CS1 is therefore 'weighted' accordingly and the principle of the proposal is not solely considered to turn on this issue, consideration is also therefore given to the requirements of the NPPF.
- 3.5 Further to the consideration of CS1, Policy CS2 states that in the countryside development will be restricted to defined categories in accordance with other plan policies which include (inter alia) rural exception housing. This housing may comprise; agricultural workers dwellings; possible conversion of rural buildings; replacement dwellings; affordable housing on exception sites; sites for Gypsies and Travellers and travelling showpeople; the extension of dwellings; and the reuse and adaption of buildings for appropriate purposes. The proposal does not constitute any of the category of housing types listed in Policy CS2. The site is not a rural exception site. There is no policy support for the proposal to be found at Policy CS2.
- 3.6 Saved Policy H7 of the Local Plan states that in the interests of protecting the existing character and appearance of the countryside, outside settlement boundaries there will be strict control over proposals for new housing. The provision of new housing will normally form part of existing settlements. The proposal is contrary to Policy H7.
- 3.7 Paragraph 79 of the NPPF seeks to avoid isolated dwellings in the countryside unless certain circumstances apply: a rural worker need; the optimal viable use of a heritage asset; involves re-use of redundant buildings; involves subdivision of an existing

dwelling; or is a design of exceptional quality. The proposal does not meet any of these criteria. The proposal finds no support at Paragraph 79 of the NPPF.

4. Sustainable Development

- 4.1 Policy FC1 of the Mid Suffolk District Core Strategy Focused Review states that it takes a positive approach to sustainable development and, as with the NPPF requirements, the Council will work proactively with developers to resolve issues that improve the economic, social, and environmental conditions in the area. Related policy FC1.1 makes it clear that for development to be considered sustainable it must be demonstrated against the principles of sustainable development.
- 4.2 Paragraph 10 of the NPPF states; *“So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development”*.
- 4.3 Furthermore, as set out above the proposal shall be considered with regards to sustainability and the requirements of Paragraph 8 of NPPF.

5. Economic Dimension

- 5.1 The scheme will give rise to employment during the construction phase of the development. Furthermore, future occupiers of the development would be likely to use local services and facilities. 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.
- 5.2 Furthermore, there will be a positive benefit through support of local amenities, facilities and services available in Laxfield and surrounding villages from future owner / occupiers. Financially, the proposal would contribute to Council Tax, and also CIL although these are not material planning considerations but are included for completeness.

6. Social Dimension

- 6.1 In respect to the provision of new housing, the development would provide a benefit in helping to meet housing need within the District through the delivery of additional dwellings, which would further be in an accessible location, making a contribution to securing a vibrant and sustainable community. The added benefits of a new school car park and public open space enable further social advantages.
- 6.2 The proposal yields positive benefits through the potential for interaction by owner / occupiers within Laxfield and surrounding villages. Positive contribution to the local community can in some instances generate stronger communities. The proposal provides a contribution to much needed housing, especially rural housing.

7. Environmental Dimension

- 7.1 Paragraph 78 of the NPPF seeks to promote sustainable development in rural areas advising *‘housing should be located where it will enhance or maintain the vitality of rural communities’*, and recognises that where there are groups of smaller settlements, development in one area may support services in another.

- 7.2 The relationship to existing built development - Whilst the site is located outside of the defined Settlement Boundary, its relationship to the built up area is suitably related. The settlement pattern of Laxfield is relatively mixed as it extends east and west from the historic core. The settlement pattern is relatively sporadic, with the application site located close to the west. The application site adjoins on its northern and eastern flank and as such, in consideration of the extent of the defined red line outline, the proposal is spatially well related. Certainly, the settlement pattern would not be disrupted in rhythm and form.
- 7.3 The relationship to facilities and services, and their accessibility – Whilst Officers acknowledge the site is located in the countryside, the proposal lies adjacent the Laxfield settlement boundary. Laxfield is designated a Primary Village, served by a sufficient range of local services and facilities, all of which are within convenient walking distance of the subject site. These include; a church, primary school, small supermarket, two pubs, a village hall and recreation ground. In addition, Laxfield is subject to a bus service, the nearest bus stop to the site located opposite the village hall, approximately 320m away. The bus service offers connections to the towns of Beccles, Diss, Framlingham, Halesworth and Ipswich. It is noted that a footway is present on the northern side of Framlingham Road, opposite the proposal site, which would enable safe and convenient access to the services, facilities and public transport opportunities within Laxfield. The accessible bus network provides a viable option for residents to commute to other settlements for employment, education and healthcare etc. As such, there is opportunity for residents to choose more sustainable modes of transport than the private vehicle.
- 7.4 In summary reference to Paragraph 8 of the NPPF, the scheme offers an effective use of land in the terms expressed, with good benefits materialising without undue harm to biodiversity, ecology or natural resources. In summary, the site is spatially acceptable, and is within reasonable access of facilities and services.

8. Design and Layout

- 8.1 Policy CS5 requires development to be of a high-quality design that respects the local distinctiveness and the built heritage of Mid Suffolk, enhancing the character and appearance of the district.
- 8.2 Policy H13 of the Local Plan requires new housing development to be expected to achieve a high standard of design and layout and be of a scale and density appropriate to the site and its surroundings, whilst Policy H15 of the Local Plan similarly requires new housing to be consistent with the pattern and form of development in the area and its setting.
- 8.3 Policy GP1 of the Local Plan states that proposals comprising poor design and layout will be refused, requiring proposals to meet a number of design criteria including maintenance or enhancement of the surroundings and use of compatible materials.
- 8.4 Consideration must also be afforded to the Nationally Described Space Standards (NDSS). The NDSS document prescribed by Government sets out the spatial expectations for all new build housing developments. Delivery of NDSS compliant new build is entirely realistic prospect.

- 8.5 Detailed design is a reserved matter. Notwithstanding this, the scheme could adopt similar aesthetic details of existing residential dwellings within the area, and therefore harmonise with the character and form of the locality. Certainly, the existing houses of two-storey form establish the principle of two-storey new build. It is also noted that the application site is visually unconstrained, with varying design precedent offered nearby.
- 8.6 Layout is also a reserved matter, however consideration must be afforded as to the effectiveness of the site inclusive of access, public open space, school car park and additional visitor / drop off area (BMSDC standard construction detail SD01 specification to be secured through S106), the amount of homes proposed, and landscaping. The site is readily capable of accommodating the amount proposed, with good spatial integration, albeit in indicative form.
- 8.7 Officers welcome the inclusion of a pedestrian link to Mill Road. Whilst the exact inner site route would materialise within the defined red line outline at reserved matters, its access / egress point to / from Mill Road east should be fixed as a means of securing viable access at a pedestrian level. This is best secured through planning condition, which Officers have opted to impose.
- 8.8 There is little before Officers at this stage to suggest the scheme would result in undue harm to the character, landscape or indeed residential amenity experienced by occupants of neighbouring property. Certainly, Officers are of the opinion that an aesthetically pleasing functionally efficient design and layout could be proposed, reflecting Policies CS5, H13, GP01 and the NPPF.

9. Site Access, Parking and Highway Safety Considerations

- 9.1 Policy T9 and T10 requires development to be delivered with safe and sufficient highways access and function.
- 9.2 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. This is interpreted as referring to matters of highway capacity and congestion, as opposed to matters of highway safety. The courts have held that the principle should not be interpreted to mean anything other than a severe impact on highway safety would be acceptable (*Mayowa-Emmanuel v Royal Borough of Greenwich [2015] EWHC 4076 (Admin)*).
- 9.3 On site parking is offered in accordance with the Suffolk Adopted Parking Standards SPD (2015), ensuring future residents are provided with on-site parking provision, thus avoiding parked vehicles on the public highway, and is spatially deliverable in conjunction with the number of residential units proposed.
- 9.4 Officers welcome the inclusion of the school car park and additional visitor / drop off area, for the benefit of school staff, parents, pupils and other users. The exact detail would need to be considered fully at reserved matters stage, however, a specification is to be incorporated within the S106 as a means of securing functional space which is truly beneficial. Indeed, securing no fewer than 34 no. spaces in total would facilitate

future planned growth of the school, and would sit largely in conformity with the needs of the area. The school parking area should serve purpose, secured through the structure of a S106.

- 9.5 Officers acknowledge the 3rd party representations which object to the scheme on traffic grounds, in particular the new access, and also pedestrian safety. Officers recognise these concerns. Officers must consider the comments expressed by the LHA also. The LHA raise no objection to the proposed access arrangement nor the anticipated increase in traffic generated by the proposal on the local road network. Performance against the Suffolk Adopted Parking Standards (2015) shows that the parking needs for a 49 no. dwelling development can be delivered, including visitor parking. The visibility splays achieved on both the X and Y axis demonstrate that the scheme goes above and beyond the minimum requirements required by the LHA.
- 9.6 The LHA indicate there is little before Officers to suggest a highways compliant development could not be achieved, underpinned by Case Law.

10. Archaeology

- 10.1 This site lies in an area of archaeological potential recorded on the County Historic Environment Record, fronting a road leading into the historic settlement core (LXD 059) and opposite a medieval moated site (LXD 052). Scatters of Roman and medieval finds have also been recorded in the vicinity (LXD 012, 016 and 031). 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.
- 10.2 In accordance with Paragraph 141 of the NPPF 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. Standard pre and post investigative conditions are recommended.

11. Impact on Residential Amenity

- 11.1 Policy H13 of the Local Plan seeks to ensure new housing development protects the amenity of neighbouring residents. Policy H16 of the Local Plan seeks to protect the existing amenity of residential areas.
- 11.2 Paragraph 127 of the NPPF sets out a number of core planning principles as to underpin decision-taking, including, seeking to secure a good standard of amenity for all existing and future occupants of land and buildings. The impact of the works is considered fully, and there is little before Officers to suggest the scheme would result in a materially intrusive development, which would hinder and oppress the domestic enjoyment and function of adjacent property, to an unacceptable level. Officers do not consider that the site is overdeveloped by virtue of the quantum of development shown on the proposed plans, demonstrating sufficient amenity space and parking provision. The density of development is appropriately set and discussed later in this report.

- 11.3 The indicative interface between the proposed dwellings is designed in a sufficiently sensitive manner ensuring that the internal amenity of the future occupants of the dwellings is achieved to a satisfactory level. The site layout demonstrates the site is readily capable of accommodating 49 no. dwellings in a manner that will not unduly compromise the residential amenity of future occupiers of the development or occupiers of neighbouring dwellings. More specifically, suitable distances between dwellings can be achieved to ensure no unacceptable loss of daylight, sunlight, or overlooking to existing residents would ensue.
- 11.4 Built form visible from a private vantage point does not necessarily result in adverse private residential amenity harm.
- 11.5 There is little to suggest the development cannot accord with local Policies H13 and H16.

12. Impact on the Character and Appearance of the Area

- 12.1 In addition to Policies CS5, H13 and GP01, Paragraph 127 of the NPPF attaches great importance to the design of the built environment, stating that good design is a key aspect of sustainable development.
- 12.2 Design should respond to the character of the area, offering uplift and betterment to the existing locality, which Officers encourage. In this respect, the inevitable urbanising effects of the scheme would result in built form visible from private and public vantage points, however this is not considered to be unacceptably harmful to the character and appearance of the unconstrained area. Officers note that objections raised do not relate to adverse character affects either. In any event, external finishing could be controlled by way of planning condition (as per the Officer recommendation), inclusive of acceptable tone and texture to reflect the area. The scheme reflects the essence of Policy CS5, H13, GP01, and Paragraph 127 of the NPPF.

13. Landscape Impact and Trees

- 13.1 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.
- 13.2 The site is not in an area of special character designation such as an Area of Outstanding Natural Beauty or Special Landscape Area. Nor is the site adjoining, or in proximity to, any designated landscape areas of special significance. Whilst built form will naturally be visible, the typography of the surrounding landscape relative to the site is largely consistent. In addition, the site benefits from good well-established natural features to boundary edges, which softens the site from afar. Built form visible from a private and public vantage point is nonetheless thoroughly considered.
- 13.3 The indicative layout shows acceptable plot sizes, with a generous 1.52Ha of public open space area to the south-west. The density of the proposed development equates to 19dpHa (net). This is a policy compliant scheme, reflecting Paragraphs 57 – 58 of

the PPG. The scheme does not therefore represent overdevelop through the eyes of policy.

- 13.4 The site is currently enclosed by a combination of semi-mature deciduous trees and lengths of hedging along western, northern and southern boundaries. Lighter hedgerow features line the site east adjacent to residential units. Built form visible from a public vantage point does not necessarily result in adverse character harm. In this instance, the visual impact on the broader landscape will be limited. A comprehensive landscaping scheme ensures landscape character impacts are mitigated further. It is noted that none of the objections received to date have raised concern regarding landscape character effects. Robust landscape mitigation is secured through planning condition. The proposal responds positively to Policy CS5.

14. Ecology

- 14.1 Policy CS5 of the Core Strategy requires development to protect, manage and enhance Mid Suffolk's biodiversity.
- 14.2 Regulation 9(5) of the Conservation of Habitats and Species Regulations 2010 (Implemented 1st April 2010) requires all 'competent authorities' (public bodies) to 'have regard to the Habitats Directive in the exercise of its functions.' For a Local Planning Authority to comply with regulation 9(5) it must 'engage' with the provisions of the Habitats Directive. The scheme provides satisfactory biodiversity and ecology benefits secured through planning conditions.

15. Flooding and Drainage

- 15.1 The application is supported by a Flood Risk Assessment and Sustainable Drainage Strategy, and a suitably reflected indicative site layout. The development will be served by a Sustainable Urban Drainage System (SUDs) meaning the surface water run-off from the development will not be any greater than the current run-off rate. It is considered that the risk of flooding to the site has been adequately considered and therefore development of the site with the proposed mitigation measures does not pose an unacceptable flood risk to future occupants of the site or neighbouring occupants off site. There is nothing before Officers to suggest a flood and water compliant development could not be delivered.
- 15.2 The flood risk potential and subsequent drainage details have been reviewed by the LFA who raise no objection to the proposal, subject to conditions.

16. Impact on Heritage Assets

- 16.1 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.
- 16.2 Section 66 of the *Planning (Listed Buildings and Conservation Areas) Act 1990* states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Listed Building or its setting.

- 16.3 In this case there are specific NPPF policies relating to designated heritage assets that should be considered.
- 16.4 Paragraph 185 of the NPPF identifies that the impact of a proposal on the significance of a heritage asset should be taken into account, in order to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.
- 16.5 Paragraph 193 - 194 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 16.6 The NPPF defines the setting of a heritage asset as the surroundings in which it is experienced. The extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset; may affect the ability to appreciate that significance; or may be neutral.
- 16.7 The nearest designated heritage asset is located immediately north of the site, in the form of the Chestnut Tree Farmhouse. There is an acceptable level of separation distance between the built extent of the proposal, carrying a limited adverse contribution to the setting of this Grade II listed building. The immediate setting of the heritage asset remains largely unaltered.
- 16.8 The Heritage Officer (HO) has offered comment expressed verbatim:
- 16.9 *“Chestnut Tree Farmhouse stands to the north of Framlingham Road, opposite the north western part of the site. The farmhouse is listed and is originally of the 1500s with additions and alterations of later centuries.*
- Of its historic farmstead only a small remnant survives to its south east. Around the farmhouse to the north are several recent developments which have cumulatively diminished its previous relationship with its associated farmland, considerably eroding its setting. While the application site is presumed to have no direct connection to Chestnut Tree Farm, its open rural character represents an unchanged part of its setting and contributes to appreciating the historic character.*
- Development of the site for residential use has potential to radically change the character of the site, which would result in the listed farmhouse being surrounded by modern built development. However, the illustrative scheme shows that careful attention to layout and landscaping can retain the open green character so as to minimise impact on the setting of the listed farmhouse, while still accommodating the proposed housing. Development on the lines indicated would result in minimal harm to the setting of the listed farmhouse*
- In considering any reserved matters applications, we would pay particular attention to a green buffer, and to the soft landscaping treatment in the north west part of the site”.*
- 16.10 The Heritage comments are considered in the overall balancing of the application. The proposal does not conflict with Policy HB1 or Paragraphs 185 and 193 - 194 of the NPPF to an unacceptable level warranting refusal. The overall public benefits

(identified earlier in this report) of the scheme far outweigh the low level of less than substantial harm identified, for which Officers acknowledge and consider 'on balance' in full view of all material matters.

17. Public Open Space

- 17.1 The scheme provides a 1.52Ha area of public open space which is a welcome benefit for Laxfield. The Public Realm Officer does not object to the proposal, stating that the management of the public open space should be secured through a management company or some other arrangement locally.
- 17.2 Officers contend the limited value attributed to the provision of abundant public open space, due to its south-westerly location. Whilst public open space of no less than 1.52Ha would be secured, its position within the defined red line is not, and would be a reserved matters consideration in conjunction with the proposed layout.
- 17.3 It is not a prudent exercise to consider the detailed design, layout and location of the public open space at outline. Given the extent of the plot, the prevailing settlement pattern, and the location of the open space relative to established built form, the location of the public open space could be positively delivered given the low density of housing set.
- 17.4 Officers acknowledge the comments around proposed school parking area. Furthermore, the parking provided for the school staff and parents should be managed locally, secured through planning obligation. It would be anticipated that litter bins would be provided in these parking areas as part of the development, along with a specification standard as discussed above.

18. Public Rights of Way

- 18.1 The proposed development will not have a direct impact on the local public rights of way (PROW) network. Integration with the definitive PROW network is important for recreation, encouraging healthy lifestyles, providing green links, supporting the local economy and promoting local tourism. The scheme does not benefit from direct connection to a definitive PROW, however the proposed link to Mill Road is an important component of this scheme in demonstrating connectivity to the centre of Laxfield. Pedestrian links are a welcome feature which could in any event be secured at reserved matters.

19. Affordable Housing

- 19.1 Policy H4 of the Local Plan seeks an affordable housing provision of 35% of total units. The proposal provides 17 no. affordable homes, thus providing 35% affordable nature. This is a welcome housing breakdown. The proposed plans label the open and affordable housing market mix as follows:

Affordable Rent:

2 x 1b 2p bungalow

9 x 2b 4p house

3 x 3b 6p house

Shared Ownership:

2 x 2b 4p house

1 x 3b 5p house

TOTAL: 17 PLOTS

19.2 Officers recommend the affordable housing contribution be secured through a Section 106 legal agreement, underpinned by the comments of the Strategic Housing Officer (SHO).

19.3 **Infrastructure**

19.4 The proposed development has been assessed by Suffolk County Council's Development Contributions Manager. CIL monies could be drawn from the scheme, subject to future bid:

- Provision of passenger transport
- Provision of library facilities
- Provision of additional pre-school places at existing establishments
- Provision of primary school places at existing schools
- Provision of secondary, sixth form and further education places
- Provision of waste infrastructure

19.5 Officers note the pooled funds that the scheme would generate. The recommendation is made in full view of the comments expressed in relation to; education, pre-school provision, play space provision, transport issues, libraries, waste, supported housing, sustainable drainage systems, archaeology, fire service and superfast broadband.

19.6 Officers recognise the needs of the site and wider area, however, in the absence of a fully adopted infrastructure development plan the material weight applied to the identified infrastructure needs are limited.

19.7 **Planning Obligations**

19.8 As noted above, the application would require the completion of a S106 agreement to secure the Affordable Housing, Public Open Space (Inclusive of Management Company), PROW improvement, and Public Transport improvements, summarised as follows:

- Affordable Housing at 35%
- Public Open Space inclusive of management company
- School Car Park (BMSDC standard construction detail SD01 specification)

19.9 Site specific mitigation will be covered by CIL comprising of contributions to education, pre-school provision, play space provision, transport issues, libraries, waste, supported housing, sustainable drainage systems, archaeology, fire service and superfast broadband.

PART FOUR – CONCLUSION

20. Planning Balance and Conclusion

- 20.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, then that determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 20.2 The NPPF contains the Government's planning policies for England and sets out how these are expected to be applied. Planning law continues to require that applications for planning permission are determined in accordance with the Development Plan unless material considerations indicate otherwise. The policies contained within the NPPF are a material consideration and should be taken into account for decision-making purposes.
- 20.3 A recent Planning Appeal in Waverley Borough Council relates expressly to 'edge of settlement' development, even if the Council are able to demonstrate a five-year housing land supply (as per the case here).
- 20.4 Paragraph 33 of the Appeal Decision (reference: APP/R3650/W/18/3193390) states that *"The Government is seeking to significantly boost the supply of homes by ensuring a sufficient amount of land comes forward where it is needed. Paragraph 15 of the revised Framework states that the planning system should be genuinely planned. On the evidence before me, the WBLPP1 is up-to-date for the purposes of demonstrating that the Council has a five-year supply of deliverable housing sites, notwithstanding doubts that were expressed by the appellant. However, the spatial strategy acknowledges that it will not be possible to accommodate the necessary growth within existing development boundaries"*.
- 20.5 In essence, sites which present as 'edge of settlement', provide a 'close functional relationship' to the settlement boundary, or which are spatially unable to be accommodated within the defined settlement boundary limits, should be granted unless material considerations indicate otherwise, irrespective of whether the Council is able to demonstrate a five-year housing land supply, or not.
- 20.6 Further consideration must also be afforded to a Planning Appeal in Wingerworth (reference: APP/R1038/W/17/3192255) which states at paragraph 53; *"it is important to note that the presence of a five year supply of housing land is not a ceiling and the provision of general needs housing is a significant material consideration in light of national policy to significantly boost the supply of homes"*.
- 20.7 The Inspector goes on to say at paragraph 73 that; *"Although I have concluded that there is a five year housing land supply in the District, based on the standard methodology, this is not a ceiling and the provision of general needs housing is a significant material consideration in the light of national policy. In addition the provision of 40% affordable housing is a very significant material consideration weighing in favour of the appeal scheme"*.
- 20.8 The NPPF and Policy CS1 require development to be approved that accords with an up to date development plan, and without delay. The proposal accords with the 'most

important' policies applicable to the proposal, is in a sustainable location on the edge of the settlement boundary, within walking distance of a good range of local services. The proposed development is spatially well related to the area, adjoining the settlement boundary.

20.9 In articulating the proposal amongst planning policy, the 'tests' of sustainability within the NPPF are principally engaged. Whilst the LPA is able to demonstrate that it has an adequate 5 year housing land supply, the Council still need to provide homes in sustainable locations. Sequentially, the proposal hereby determined is considered through the eyes of Policy CS1 (applying appropriate weight), Paragraph 78 including the site's relationship to existing built development, and the relationship to facilities and services, and their accessibility, underpinned by the considerations of Paragraph 8.

20.10 The proposal is considered to form sustainable development within the criteria set out by the NPPF by reasons of the location of the site in relation to services generating a positive social, environmental and economic impact for Laxfield and the wider area. The merits of the proposal outweigh the potential landscape, residential amenity, character, heritage and highways harm caused as a result of newly built dwellings outside of the settlement boundary. The proposal is considered to harmonise with local and national planning policies. The proposed development has been considered on the basis of its planning merits and the Officers recommendation is given accordingly, having had regard for all material planning considerations.

RECOMMENDATION

That the application is GRANTED planning permission:

(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:

- Affordable Housing at 35% to all NDSS standard consisting of:

Affordable Rent:

2 x 1b 2p bungalow

9 x 2b 4p house

3 x 3b 6p house

Shared Ownership:

2 x 2b 4p house

1 x 3b 5p house

- Public Open Space inclusive of management company
- School Car Park and Additional Visitor / Drop Off Area to BMSDC standard construction detail SD01 specification consisting of no fewer than 34 no. parking spaces, delivered and transferred to the school for £1 prior to occupation of the first dwelling

(2) That the Chief Planning Officer 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 Chief Planning Officer:

1. Reserved Matters Time limit (24 months)
2. Reserved Matters Details
3. Approved plans
4. Highways – visibility
5. Highways – details of access
6. Highways – footway link
7. Highways – surface water discharge
8. Highways – loading / unloading
9. Highways – refuse / recycling
10. Highways – HGV construction
11. Archaeology (Pre-Investigation)
12. Archaeology (Post-Investigation)
13. Lighting Design Scheme
14. Biodiversity enhancement
15. Ecological appraisal recommendations
16. Landscaping scheme
17. Landscaping management plan
18. Surface water management strategy (inclusive of Construction Surface Water Management Plan (CSWMP))
19. SUDs details
20. Fire hydrant provision details
21. Pedestrian Link to Mill Road

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

Section 38 of the Highways Act 1980
Section 278 of the Highways Act 1980

(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