

MID SUFFOLK DISTRICT COUNCIL
DEVELOPMENT CONTROL COMMITTEE - 20 July 2016

AGENDA ITEM NO	2
APPLICATION NO	2113/16
PROPOSAL	Erection of 27 dwellings including 9 affordable homes (following demolition of existing buildings)
SITE LOCATION	Land between Norwich Road and Pesthouse Lane, Barham
SITE AREA (Ha)	1.8
APPLICANT	Messrs K & P Moxon
RECEIVED	May 3, 2016
EXPIRY DATE	August 3, 2016

REASONS FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason :

- (1) it is a "Major" application for:-
- a residential development for 15 or over dwellings

PRE-APPLICATION ADVICE

1. Pre-application advice from the developer was sought in June 2015.

SITE AND SURROUNDINGS

2. The application site comprises 1.7 hectares of land with a number of small scale sheds and barns used for agricultural purposes and in association with a narrow gauge railway which formerly operated on the site.

The site forms a corner plot with Pesthouse Lane and Norwich Road in the village of Barham. The site is bounded to the west by the A14. This boundary is enclosed by post and rail fencing, trees and vegetation. However a large overhead road sign associated with the A14 is visible from the eastern boundary across the site.

To the north of the site are the rear gardens of properties forming The Crescent. This boundary is enclosed with a mix of trees, vegetation and boundary fencing for properties on The Crescent. Also north of the site and fronting Norwich Road is a newly constructed bungalow which was allowed at appeal in 2014.

The east and south boundaries are bordered by dense hedgerows and trees. Towards the south western corner is a dense group of trees that are outside of the application site.

The site has access along the southern boundary off Pesthouse Lane and a public right of way runs alongside the southern boundary. The public right of way splits leading north towards the Crescent and west across the A14 road bridge.

To the east and west on the opposite side of Pesthouse Lane and Norwich Road is housing. Further north along Norwich Road is the edge of Shrubland Hall.

The site is relatively flat but Pesthouse Lane is elevated above the site as to cross the A14. The site is largely laid to grass with one notable willow tree centrally located within the plot.

To the west of the site is the archaeological site of the former Bosmere and Claydon Incorporated Hundred Workhouse. The A14 extends across this site.

HISTORY

3. The planning history relevant to the application site is:

1732/16 2 Park View Cottages, The Crescent, Barham: Refused- 22/10/2013

Severance of part of garden and erection of single-storey dwelling and construction of new vehicular access. Allowed on Appeal.

PROPOSAL

4. Outline Planning permission is sought for the erection of up to 27 dwellings following demolition of the existing buildings. The 27 dwellings include 9 (35%) affordable housing units. Vehicular access will be provided using the existing access. Subsequently, landscaping, appearance, layout and scale are to be the subject of a future reserved matters application.

An indicative layout has been provided, this shows that 27 dwellings could be located on the site using a layout with a spine road through the development with cul-de-sacs off this. A landscaped buffer could be planted to the western boundary with a new footway leading from Norwich Road across the site and connecting with the footpath alongside the A14. The existing hedgerow and tree belt could be retained.

POLICY

5. **Planning Policy Guidance**

See Appendix below.

CONSULTATIONS

6. **Environmental Health- Land Contamination:** The applicant has not submitted the required information to demonstrate the suitability of the site for the proposed development. The applicant has submitted an Envirocheck style report but for a development of this scale we require a Phase I Investigation which is compliant with BS10175. Without this information the Environmental Health Officer would be minded to recommend that the application be refused on the grounds of insufficient information.

Environmental Health- Noise/Other: The site is in close proximity to the A14 and part of it may be significantly and adversely affected by road traffic noise. No information in this respect has been submitted and therefore the Officer cannot advise further. In the absence of this information the Officer could not support the application.

Suffolk County Council Archaeology: The site lies in an area of high archaeological potential recorded on the County Historic Environment Record, adjacent to the site of a post medieval workhouse and burial ground. There is high potential for the discovery of below-ground heritage assets of archaeological importance within this area and groundwork's associated with the development have the potential to damage or destroy any archaeological remains which exist. In order to fully assess the full archaeological implications of the area and the suitability of the site for the development, the applicant should be required to provide for an archaeological evaluation of the site prior to the determination of the application.

Suffolk County Floods Team: Overall the proposed surface water system is acceptable however further information is required before approval can be granted.

Suffolk County Infrastructure: The Infrastructure team set out what funding they would seek from the Community Infrastructure Levy.

Planning Policy: An appeal decision on the adjacent site in Barham concluded that the location is sustainable and not an isolated site in the countryside. The Officer needs to consider other aspects of sustainability under the National Planning Policy Framework in terms of impact on character and appearance and infrastructure. The appeal site was for only one dwelling.

Strategic Housing: The proposal includes 35% affordable housing. The Housing Officer recommends the potential housing mix and requirements for the affordable housing.

Public Rights of Way: The Rights of Way team have no objection to the proposal.

Suffolk County Highways: The Highways Authority recommend that the permission include conditions regarding the access surface, access gradient, construction and provision of footways, details of parking and cycle storage, visibility splays and highway improvements.

Historic England: Historic England do not wish to offer any comments on this occasion.

Claydon and Whitton Parish Council: Objects to the application due to the high level of noise generated by traffic using the poorly surfaced A14.

Suffolk Fire and Rescue: Suffolk Fire and Rescue Service advise of the building regulation requirements and that they recommend that fire hydrants be installed within this development.

Anglia Water: The foul drainage from this development is in the catchment of Cliff Quay Water Recycling Centre that will have capacity for these flows. The sewage system at present has available capacity. The proposed surface water management system does not relate to Anglian Water operated assets. As such they are unable to comment on the suitability of the surface water management and recommend the Planning Authority liaise with the Lead Local Flood Authority.

Landscape Officer: The proposal will be a significant change in the character of the site which is largely open with a scattering of buildings scrub and grassland. As a result the views from the adjacent residential properties to the north will be altered significantly. However the wider visual effects will be largely contained by the boundary vegetation and planting. The proposal is acceptable in landscape terms subject to conditions.

Highways Agency: The Highways Agency have no objection to the proposal.

LOCAL AND THIRD PARTY REPRESENTATIONS

7. This is a summary of the representations received.
- Access into Pesthouse Lane is busy enough with lorries and more houses would increase traffic, noise and pollution.
 - The water pipes are in constant repair and more houses would add to this problem. They have problems with water leaking into our cellar and garden.
 - There have been a lot of dwellings built in Barham over the last few years and the village is now big enough.
 - Loss of privacy as new dwellings will be able to look into gardens. Especially if two storey dwellings.
 - Doctors surgery is full and it is very difficult to get an appointment. 27 dwellings will exacerbate this.
 - Before people move into this area they have to make sure there are places at the local schools for their children to attend. The schools are full.
 - The site is a haven for wildlife. There are rabbits, foxes, kestrels, stoats, bats, stoats, woodpeckers, jays and hedgehogs that use the site.
 - This land has had an application build dwelling a few years ago but was turned down because it was out of the building line.
 - Lack of infrastructure (community facilities, shops, schools, nurseries and businesses) nearby.
 - The footpath to Claydon is narrow and only on one side of the road which means pedestrians have to step into the road. Traffic often travels faster than 40mph speed limit.
 - Bus service is infrequently (hour at best) and unreliable.
 - Stretched amenity in the area.
 - Moved here for a peaceful and quiet lifestyle and many properties have been built around this area.

- In the last 10/15 years there have been three road traffic deaths.
- Sewage system can it cope with yet more volume of waste?
- Loss of open view and open aspect of the village.
- Create noise an disturbance and impact the character of the neighbourhood. It will lose its countryside identity.
- The new residents would not think of walking on the narrow hazardous path to Claydon to use the amenities. Often see people walking in the road due to the path being too narrow.
- Site falls short of the required standards on both counts. There have been several near misses at the junction of The Crescent, Sandy Lane, Pesthouse Lane where visibility is poor and access to the main road dangerous.
- Development will be on a water meadow.
- Affordable housing will be 2 storey properties whereas the properties on the boundary of the development are single storey.
- Need effective sound barriers to be put in place from the bridge to the end of the Crescent. The footpath can be removed as it serves only as a toilet for dogs.
- Norwich Road is Cycle Route 51 and the impact of yet further traffic is not compatible if people are to be encouraged to cycle.
- This is not a brownfield site but is tantamount to someones garden.
- Close proximity to exposed bridge over the A14.
- Known noise problem on the A14 road surface which has not yet been addressed.
- The Draft SHLAA for Barham shows the possible sites of major developments in the area to the east of Norwich Road. Developers are already in preliminary discussions with the Parish Councils. Looked at in light of a strategic solution for the whole area any independent decision on this isolated case must be considered premature and may impede a more integrated solution.
- In breach of Human Rights Act to respect family and private life due to potential overlooking.
- Broadband, water and sewage are already stretched in this area.
- Noise and dust from lorries from Barham Pits is not a safe or healthy environment.
- Disappointed by the amount of affordable housing proposed.
- Aware of an application for a large number of housing at the Claydon end of our village.
- Cars regularly park in the access with Pesthouse Lane making entrance and exit hazardous.
- Area by A14 is in a flood plain
- Who will maintain the hedgerows and trees to be retained?
- Outside of the settlement boundary and if unchecked will form a ribbon development sprawling into the countryside.
- Norwich Road and Pesthouse Lane severely floods.

ASSESSMENT

8. **The principle of development:**

Fundamental to this application is the principle of residential development on the site. The Mid Suffolk Core Strategy Development Plan Document (DPD) was

adopted in 2008. Policy CS2 of the adopted Core Strategy defines the site as in the countryside, outside the countryside village of Barham. Under Policy CS2 of the adopted Core Strategy, residential infill development in the countryside and countryside villages will be permitted only in exceptional circumstances. The circumstances set out in Policy CS2 include agricultural workers dwellings; the conversion of rural buildings; replacement dwellings; affordable housing on exception sites; and sites for gypsies and travellers and travelling show people. The development proposal does not fall into any of these categories. As such the proposal is contrary to Core Strategy policy CS2.

However, the local authority does not have a five year land supply. Paragraph 49 of the National Planning Policy Framework (NPPF) states;

"Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."

Consequently policies CS1 and CS2 should not be considered to be up-to- date. On this basis residential development on the site should be considered on its own merits.

Paragraph 14 of the NPPF reads,

"where the development plan is absent, silent or relevant policies are out of date, granting permission unless 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; or specific policies in this Framework indicate development should be restricted"

The NPPF nevertheless requires that development be sustainable and that adverse impacts do not outweigh the benefits. The NPPF (paragraph 7) defines three dimensions to sustainable development- the economic role, social role and environmental role. These roles should not be considered in isolation. Paragraph 8 of the NPPF identifies that environmental, social and economic gains should be sought jointly. Therefore the Core Strategy Focus Review 2012 (post NPPF) policy FC1 and FC1.1 seeks to secure development that improves the economic, social and environmental conditions in the area and proposal must conserve and enhance local character.

Paragraph 55 of the NPPF sets out that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example where there are groups of smaller settlements development in one village may support services in a village nearby.

The proposal therefore must be determined with regard to sustainable development as defined by the NPPF.

Firstly it is important to take into consideration a recent appeal decision at 2 Park Cottages, Norwich Road, Barham (refer to relevant planning history). This application sought one dwelling within the side garden of 2 Park Cottages. The proposal was refused as it was considered not to accord with policies CS1 and CS2.

However the Inspector determined that the development 'would not be an isolated dwelling in the countryside but would add to an existing sizeable group of houses. It would follow the linear pattern of development fronting onto Norwich Road which extends from Sturgeon Way to De Saumerez Drive. Whilst it would be at variance with the general linear pattern of development of The Crescent the proposed plot would be aligned to the defined curtilages of residential development on the southern side of The Crescent. As such I am not persuaded that the appeal proposal would be harmfully uncharacteristic'.

Further to this the Inspector stated that;

'the appeal site is a short distance from the Sorrel Horse public house. It is also directly adjacent to bus stops, including a good quality shelter, which provide a good daily service to Claydon, Ipswich and Stowmarket. The appeal site is also 1300 metres from Claydon which is identified in the Core Strategy as a Key Service Centre village. Facilities such as the shops, schools and doctors would be within an approximate 15-20 minute walk along a generally flat route. A continuous, good quality footway, albeit narrow in places, links the appeal site along Norwich Road and whilst there are only occasional streetlights, there are dwellings along the route which provide surveillance. The speed limit between Claydon and the appeal site is either 30mph or 40mph and the route is designated as part of the National Cycle Network (Route 51). As such I am satisfied that the good bus connections at the appeal site and the realistic walking and cycling distance from key services, along a route of reasonable quality, means that the appeal proposal would not result in an unsustainable reliance on the private motor car.'

The application site is located south of the appeal site for 2 Park Cottages and the situation remains unchanged. There is a footway connecting Barham and Claydon and Norwich Road remains designated as part of the National Cycle Network. There is a bus stop opposite the site with a regular bus service to and from Ipswich which allows for normal working hours.

Whilst Barham has limited services and facilities the application site is well connected with the Key Service Centre of Claydon. Claydon benefits from shops, pubs, leisure and recreational facilities. It also has a primary, secondary and two pre-school providers and a doctor's surgery. As such the development would not only be well served by Claydon but will also support these services. Paragraph 55 of the NPPF recognises that smaller villages can support services of nearby villages and towns. The proposal is therefore deemed to accord with paragraph 55 of the NPPF.

Furthermore the site is considered to be located as to take advantage of more sustainable modes of transport and to be relatively sustainable location. It should be noted that Highways have requested contributions towards a further bus stop on this side of Norwich Road.

Concern has been raised by local resident's regarding the impact of the development on the local schools and doctor's surgery. The site is within the catchment area for Claydon Primary School and Claydon High School. Suffolk County Council currently forecast that they have no surplus places at the catchment Primary and High School. Subsequently Suffolk County Council have noted that they would seek to secure funding towards additional education

facilities through the Community Infrastructure Levy.

The site is close to Claydon and Barham Doctor's surgery and Needham Market's Doctor's surgery. Both surgeries are currently accepting new patients. However the Community Infrastructure Levy contribution could be used to off-set the impacts the additional homes on the health centres.

The proposal includes the provision of affordable units to meet the Council's identified housing need. The proposal will therefore provide social benefits and support the vitality of this rural community. It will also contribute towards the five year land supply of homes needed in Mid Suffolk and make a positive contribution to economic activity.

Land has been put forward on the edge of Claydon as part of the Strategic Housing Land Allocations. However this is not an adopted plan and does not alter the Council's position in regards to the five year land supply. The scheme must be considered on its own merits taking account of the current situation.

Concern has also been raised as to the loss of this green space and impact on the character of the area. The Landscape Officer confirms that the application site has a reasonably close relationship with existing built environment and substantial vegetation is present on the boundaries to the south and east. The retention of this boundary hedging will minimise adverse effects and maintain the existing character of Norwich Road.

It is agreed with the Landscape Officer that the proposal will cause a significant change in character for the site which is largely open with a scattering of buildings. The views from the adjacent residential properties on The Crescent will be altered significantly. The wider effects will be largely contained by the existing and proposed boundary vegetation.

The proposed development will extend off Pesthouse Lane and allow for the final layout to remain compatible with the linear form of development in Barham (notably The Crescent). However, similar to the highly indicative layout plan, a central open space can be included along with landscaping to retain open views from the north-east corner and maintain a sense of the countryside. Additional landscaping along the western boundary will improve the rural appearance by limiting views of the A14. Finally, retaining the boundary vegetation will retain the sense of enclosure to this site and would maintain the appearance of both Penthouse Lane and Norwich Road.

As such the proposal accords with Core Strategy Policy CS5 which requires development to enhance or maintain local distinctiveness. Policy GP1 of the Mid Suffolk Local Plan 1998 and Policy FC1.1 of the focused review Core Strategy also supports development that maintains and enhances the character and appearance of the surrounding area.

Overall the proposal adheres to the principles of sustainable development as to safeguard the local character of Barham and providing environmental, social and economic gains as required by policy FC1 and FC1.1 of the Focused Review and the overarching aims of the NPPF. Consequently the principle of this development is accepted subject to other material considerations. The main considerations are:

- **Highways**
- **Archaeology Implications**
- **Impact on Residential Amenity**
- **Biodiversity**
- **Flood Risk**
- **Land Contamination**
- **Noise**
- **Open Spaces and Infrastructure contributions**

Highway matters

The neighbours raised concerns regarding highways safety and noted a number of road traffic incidents. It is proposed to utilise the existing vehicular access from Pesthouse Lane. The vehicular access will be improved to provide the required visibility splays for such a development. Traffic would therefore flow onto Pesthouse Lane turning left towards the wide junction with Norwich Road. This junction is wide with good visibility splays on a relatively straight road. The increase of vehicles will not cause harm to the highway network or create highway safety issue. The Highways Officer has no objection to the proposal subject to conditions.

Having checked crashmap.co.uk there have been four incidents classified as slight on Norwich Road with the junctions of the Crescent, Jackson Place and Sandy Lane. There have been no accidents on Pesthouse Lane and Norwich Road.

Archaeological Implications

Suffolk County Council Archaeology confirm that the application site lies in an area of high archaeological potential and adjacent to the site of a post medieval workhouse and burial ground. Earthworks, likely to be of medieval date and scatters of Saxon and medieval finds are also recorded close to the development site. Norwich Road therefore appears to have been a focus for early occupation and remains relating to this may survive within the proposed development area. A Roman burial is also recorded to the south-east of the development area, which is situated in a topographically favourable location in the Gipping valley for activity of all periods. 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.

The buildings and structures currently standing on this site potentially originate from the first or second world wars and based upon documentary evidence, may have formed part of the use of this site for military activities. Further research should therefore be undertaken regarding these structures and the former use of this site before they are demolished or any development works are permitted, in order to fully understand their significance.

Paragraphs 128 and 129 of the NPPF state that;

'In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the

potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal'.

Suffolk County Council Archaeology advise that given the high potential, lack of previous investigation and large size of the development an archaeological evaluation of the site prior to the determination of this planning application is required. The evaluation will establish the potential of the site and inform the development to ensure in- situ preservation of any previously unknown nationally important archaeological remains.

A condition to secure these works would not be considered reasonable. The evaluation will establish whether there will be a need to consider archaeological remains in the design and layout of development and allow for preservation in situ of any sites of national importance that might be defined. Should any important remains be found it could affect the ability to provide 27 dwellings on this site.

The development therefore provides insufficient information as required by paragraph 128 of the National Planning Policy Framework. The developer has not demonstrated that the scheme will avoid or minimise conflict between the heritage asset's conservation and the proposed development. The developer has not demonstrated that the development will maintain and enhance the historic environment and consequently it is not known whether archaeological remains will be protected or conserved. The development is thus contrary to policy CS5 of the Core Strategy.

Impact on residential amenity

The main properties affected by the development are on The Crescent. The site is of a reasonable size as to allow for a layout and design which would not create unacceptable harm to neighbour amenity in terms of loss of light, overlooking or overshadowing.

Biodiversity

An Ecological Scoping Survey was submitted with the application. The results of the survey indicated that the site is of low ecological value. The habitat assessment did not meet the criteria as suitable reptile habitat and no badgers were recorded on site. The trees, scrub and hedgerow offer suitable nesting habitat for birds. It is recommended that the development include the installation of bird boxes. There is also one tree suitable for supporting bats. Should this tree

be removed then an emergence and return to roost survey will need to be carried out. Lighting should be kept to a minimum and directed downwards through the use of hoods and cowls.

In conclusion your officers do not consider that the development would give rise to the risk of an offence to protected species.

Flood Risk

The site is below 1ha in area and is within Flood Zone 1 (land having a less than 1 in 1,000 annual probability of river or sea flooding). Housing development is appropriate within flood zone 1. The site is larger than 1ha and within Flood Zone 1 and therefore a site specific flood risk assessment is required.

The Flood Risk Assessment and Surface Water Drainage Strategy submitted with the application denotes that there are no watercourses within or bordering the site and the nearest river is the River Gipping which is to the west of the site some 400m away. The site is entirely outside Flood Zone 2 and 3. Land to the south opposite the site on the other side of Pesthouse Lane is within Flood Zone 2 and 3. The site is at an elevation of 15m AOD and is over 23km from the coast. The risk of fluvial and tidal flooding is considered low.

The Environment Agency Surface Water Flood Map suggests that the site lies within an area of Medium to High risk of flooding from surface water. This is supported by photographic evidence of flooding on the Norwich Road/Pesthouse Lane junction. It should be noted this flooding was on the highway outside of the application site.

It is subsequently recommended that the ground floor levels and entry thresholds are raised 300mm above adjacent ground levels. A full drainage strategy is included within this report. This allows for rainwater harvesting, infiltration techniques such as soakaway, permeable pavements and swales.

Suffolk County Council Floods Team comment that overall the proposed surface water system is acceptable however further information is required before approval can be granted. Contour plans have not been provided to identify potential flow paths of surface water across and from outside the site. The building layout should be designed not to interfere with any existing blue corridors and disrupt any natural flow paths. There is no information regarding potential flow paths from off site and no preliminary soakage test or outline drainage plan. The application has therefore failed to demonstrate that the 27 dwellings can be provided without affecting the existing flow paths of surface water.

In conclusion the application fails to demonstrate that the proposal will be safe for its lifetime taking account of the vulnerability of its users without increasing flood risk elsewhere and where possible reduce flood risk overall. Subsequently the scheme does not accord with paragraphs 100 and 103 of the NPPF where development should be safe without increasing flood risk elsewhere.

Contamination

The National Planning Policy Framework (NPPF) states that to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural

environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner (paragraph 120).

The NPPF states that planning policies and decisions should ensure that the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation. After remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990. Planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (paragraph 121).

Mid Suffolk District Council's Environmental Health Officer advises that the applicant has not submitted the required information to demonstrate the suitability of the site for the proposed development. The applicant has submitted an Envirocheck style report but for a development of this scale a Phase I Investigation which is compliant with BS10175 code of practice. Without this information the Environmental Health Officer would be minded to recommend that the application be refused on the grounds of insufficient information.

The report submitted has examined the sources of potential contamination in terms of historical land use, environmental data and current land uses. This does not include a site inspection and Argyll who produced the report confirm they do not know the purpose for commissioning the report.

Argyll have examined historic maps and detail that the site was open land until the 1958 map edition when assumed agricultural buildings, later noted as poultry houses were on site. The report identified an unknown filled ground on the site.

It is noted that the buildings and structures currently standing on this site potentially originate from the first or second world wars and based upon documentary evidence, may have formed part of the use of this site for military activities. As such the report does not take account of whether this use may have potentially contaminated this land.

The report does not take into account the potential history of the site for military activities or a site investigation as to the infilled land. Whilst the report declares that the site is not designated as contaminated land within the meaning of Part IIA of the Environmental Protection Act 1990 it does not address whether the site is appropriate for residential purposes.

A condition is not considered reasonable or appropriate. Should the land be identified as contaminated the potential mitigation measures could affect the viability of the scheme and the suitability of the site for residential development.

Subsequently the application fails to demonstrate that the land is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the

natural environment arising from that remediation. The application is subsequently contrary to paragraphs 120, 121 and 122 of the NPPF, HB14 of the Mid Suffolk Local Plan, Policy CS5 of the Core Strategy and Policies FC1 and FC1.1 of the Core Strategy Focused Review.

Noise

The National Planning Policy Framework (NPPF) states that to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account.

The site lies adjacent to the busy A14 trunk road. Towards the southern corner there is no acoustic fencing or landscaping leaving this site open for sound to travel across the site. No noise assessment has been included to identify the noise levels of the A14 as to inform the suitability of the site for this number of dwellings and the measures required to avoid noise issues and adverse impacts on health and quality of life.

The application fails to demonstrate that the development would avoid noise from giving rise to significant adverse impacts on health and quality of life, as required by paragraphs 17 and 123 of the NPPF and policy H17 of the Mid Suffolk Local Plan.

Open Spaces and Infrastructure contributions

The Council has adopted the Community Infrastructure Levy. Contributions will be sought and calculated on the residential floor area to be created. The monies collected will go towards off-setting the impacts of the development on infrastructure; roads, schools, libraries and health care.

Policy RT4 of the Local Plan details that in residential estate development comprising 10 or more dwellings, public open space should be provided in the form of play areas, formal recreation areas or amenity areas. The application includes an informal recreational area. The long term maintenance of this would be secured through a legal agreement. No legal agreement has been secured.

Affordable Housing

The most recent update on the Strategic Housing Market Assessment confirms a minimum need of 229 affordable homes per annum for Mid Suffolk District. The Choice Based Lettings register currently has circa 1039 applicants with an active status for Mid Suffolk Area.

The Choice Based Housing Register 19 applicants registered as seeking accommodation in Barham, 12 of which have a local connection to Barham. The property size required is 1 bed properties (9 applicants), 2 bed properties (7 applicants), 3 bed properties (2 applicants) and 4 bed properties (1 applicant).

The proposed scheme offers 35% affordable units which is compliant with Policy H4 set out in Alteration to Mid Suffolk Local Plan 1998 (2006).

The MSDC Housing team have recommended a mix of tenure and amount of housing. Therefore they raise no objection to the scheme.

In order to safeguard dwellings for future affordable occupancy and for local people it is considered appropriate to secure a Section 106 obligation to that effect. No obligation has been secured.

Conclusion

The proposed development is considered sustainable development being connected to Claydon and being well served by the facilities and services of Claydon. The development would not give rise to significant harm to Highway Safety, the character and appearance of the area and biodiversity. The Reserved Matters application would take into account a suitable layout which provides open space, maintains an open character and does not harm neighbour amenity.

However the application fails to demonstrate whether there are archaeological implications which would affect the design, layout and scale of development at this site. It fails to demonstrate that the proposal would not affect flood risk elsewhere or reduce flood risk overall. The application additionally fails to demonstrate whether the site is contaminated land and whether it is suitable for residential development of this scale in terms of pollution (contamination and noise).

The scheme is therefore contrary to the NPPF and Mid Suffolk Local Plan. As such the development should be refused.

RECOMMENDATION

That the Planning Lead- Growth and Sustainable Planning be authorised to refuse Outline planning permission for reason(s) including:-

1. The application fails to identify and assess the archaeological importance of the site. Further information is required in order to inform the design and layout of any development as to ensure no harm to any aspect of historical and cultural importance. The proposal does not accord with policy CS5 of the Core Strategy, policy HB14 of the Mid Suffolk Local Plan and paragraphs 128 and 129 of the National Planning Policy Framework.
2. The application site is identified by the Environment Agency as of 'Medium' to 'High' Risk of flooding from surface water. The application fails to demonstrate that the development would not increase flood risk elsewhere and that the development is safe for its lifetime. The development is contrary to policy CS4 of the Core Strategy and paragraphs 100 and 103 of the NPPF.
3. The application provides inadequate information and fails to demonstrate that the site is suitable for its new use taking account of ground conditions and land instability from former activities and pollution arising from previous uses. The Local Planning Authority cannot establish the level of risk and if the land is therefore suitable for the proposed sensitive end use contrary to paragraphs 120, 121, and 122 of the National Planning Policy Framework.
4. The application provides inadequate information and fails to demonstrate that the site is

suitable the proposed new use taking account the impact of noise on residential properties of ground conditions and land instability from the A14. As such it is not demonstrated that the development would provide a good standard of amenity for all future occupants of the land and buildings as set out in paragraph 17 of the National Planning Policy Framework. Furthermore the scheme does not avoid noise from giving rise to adverse impacts on health and quality of life, paragraph 123 of the National Planning Policy Framework and policy H17 of the Mid Suffolk Local Plan.

5. The proposal fails to secure the maintenance of open space for the occupants of the dwellings and level of affordable housing, contrary to policy CS6 of the Core Strategy (2008), policy FC1.1 of Core Strategy Focused Review (2012) and altered policy H4 of the Altered Mid Suffolk Local Plan (2006), without the requisite S106 obligation being in place.

Philip Isbell
Professional Lead - Growth & Sustainable Planning

Rebecca Biggs
Planning Officer

APPENDIX A - PLANNING POLICIES

1. Mid Suffolk Core Strategy Development Plan Document and the Core Strategy Focused Review

- Cor1** - CS1 Settlement Hierarchy
- Cor2** - CS2 Development in the Countryside & Countryside Villages
- CSFR-FC1** - PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT
- CSFR-FC1.1** - MID SUFFOLK APPROACH TO DELIVERING SUSTAINABLE DEVELOPMENT
- Cor3** - CS3 Reduce Contributions to Climate Change
- Cor4** - CS4 Adapting to Climate Change
- Cor5** - CS5 Mid Suffolks Environment
- Cor6** - CS6 Services and Infrastructure
- CSFR-FC2** - PROVISION AND DISTRIBUTION OF HOUSING
- Cor7** - CS7 Brown Field Target
- Cor8** - CS8 Provision and Distribution of Housing

2. Mid Suffolk Local Plan

- GP1** - DESIGN AND LAYOUT OF DEVELOPMENT
- SB2** - DEVELOPMENT APPROPRIATE TO ITS SETTING
- CL8** - PROTECTING WILDLIFE HABITATS
- HB14** - ENSURING ARCHAEOLOGICAL REMAINS ARE NOT DESTROYED
- RT12** - FOOTPATHS AND BRIDLEWAYS
- H4** - PROPORTION OF AFFORDABLE HOUSING IN NEW HOUSING DEVELOPMENT
- T9** - PARKING STANDARDS
- T10** - HIGHWAY CONSIDERATIONS IN DEVELOPMENT
- H17** - KEEPING RESIDENTIAL DEVELOPMENT AWAY FROM POLLUTION
- H16** - PROTECTING EXISTING RESIDENTIAL AMENITY
- RT1** - SPORTS AND RECREATION FACILITIES FOR LOCAL COMMUNITIES
- RT4** - AMENITY OPEN SPACE AND PLAY AREAS WITHIN RESIDENTIAL DEV'T

- H15 - DEVELOPMENT TO REFLECT LOCAL CHARACTERISTICS
- T4 - PLANNING OBLIGATIONS AND HIGHWAYS INFRASTRUCTURE
- T10 - HIGHWAY CONSIDERATIONS IN DEVELOPMENT

3. **Planning Policy Statements, Circulars & Other policy**

NPPF - National Planning Policy Framework

APPENDIX B - NEIGHBOUR REPRESENTATIONS

Letter(s) of representation(s) have been received from a total of **24** interested party(ies).

The following people **objected** to the application

[REDACTED]

The following people **supported** the application:

The following people **commented** on the application:

[REDACTED]