

Committee Report

Item 7A

Reference: DC/19/02688

Case Officer: Jamie Edwards

Ward: Elmswell & Woolpit.

Ward Member/s: Cllr Helen Geake. Cllr Sarah Mansel.

RECOMMENDATION – GRANT PLANNING PERMISSION WITH CONDITIONS

Description of Development

Outline Planning Application (Access and Layout includes all other matters reserved)- Erection of 5 no. detached dwellings, associated garages and vehicular access.

Location

Land On The South Side Of, Rags Lane, Woolpit, Suffolk

Expiry Date: 26/09/2019

Application Type: OUT - Outline Planning Application

Development Type: Minor Dwellings

Applicant: Mr L Scott

Agent: KLH Architects Ltd

Parish: Woolpit

Site Area: 4995m² (net)

Density of Development: 10.01 dwellings/hectare.

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

Has a Committee Call In request been received from a Council Member (Appendix 1): Yes

Has the application been subject to Pre-Application Advice: Yes (DC/19/01696)

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason/s:

The application was presented to committee on the 22/01/2020. During the Ward Members slot to present their concerns to the committee an error relating to an incorreced address on the ecology survey was discovered. As a result, this questioned the legitimateness of the survey. Therefore, the item was deferred at committee.

It has since been confirmed that this was an error by the writers of the report and the content within the report did in fact relate to the site which is subjected to this planning application.

As such the application is brought back to committee.

The original call in was because Councillor considers the application to be of a controversial nature having regard to the planning reasoning expressed by the Parish Council and the extent and planning substance of comments received from third parties in.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

H16 - Protecting existing residential amenity
H03 - Housing development in villages
NPPF - National Planning Policy Framework
CS01 - Settlement Hierarchy
CS02 - Development in the Countryside & Countryside Villages
CS05 - Mid Suffolk's Environment
H07 - Restricting housing development unrelated to needs of countryside
H13 - Design and layout of housing development
GP01 - Design and layout of development
T10 - Highway Considerations in Development
T09 - Parking Standards

Neighbourhood Plan Status

This application site is within a Neighbourhood Plan Area.

The Neighbourhood Plan has currently completed: Stage 3: Pre-submission publicity and consultation which closed on the 7th of Feb. There is now a 'window' for the Neighbour Hood Plan Group to reflect and respond to the consultation comments before submitting to the Neighbour Hood Plan to the Examiner. This is expected to take place by the end of February/ beginning of March.

Accordingly, the Neighbourhood Plan at this time is considered to have very limited weight.

Consultations and Representations

During the course of the application Consultation and Representations from third parties have been received. These are summarised below.

A: Summary of Consultations

Town/Parish Council (Appendix 3)

Woolpit Parish Council

The proposed development, by reason of the lack of pedestrian connectivity to local services, would not represent a sustainable location for residential development. The environmental harm is not outweighed by the public benefits of delivering 5 additional dwellings. On that basis the proposal would not constitute sustainable development, contrary to the National Planning Policy Framework and contrary to policies FC1 and FC1.1 of the Core Strategy Focused Review 2012 and policy CS6 of the Core Strategy 2008.

' The proposed development would result in an unacceptable highway safety outcome by way of increased potential for vehicle and pedestrian conflict in Rags Lane and Drinkstone Road. This social and environmental harm is not outweighed by the public benefits of delivering 5 additional dwellings. On that

basis the proposal would be unacceptable having regard to the National Planning Policy Framework and contrary to policy FC1.1 of the Core Strategy Focused Review 2012, and saved policies T9 and T10 of the Mid Suffolk Local Plan 1998.

' The proposal will result in the unacceptable destruction of nearly 100m of the 200m of ancient hedgerow in Drinkstone Road which contains 10 plant species. The hedgerow is approximately 30 feet high and very wide as it has been uncut on the inside for many years. It provides an excellent wildlife habitat. Wildlife identified on site include jays, green woodpeckers, spotted woodpeckers, sparrowhawks, kestrel, warblers and yellowhammers (a red listed endangered species), frogs, grass snakes, muntjac and roe deer. The development is thus environmentally unsustainable (it does not contribute to protecting and enhancing our natural, built and historic environment; nor does it help to improve biodiversity). Specifically, the development is contrary to the principles expressed in paragraphs 109 and 118 of the NPPF.

' The applicant states that the Woolpit Neighbourhood Plan 'remains at an early stage in terms of its preparation (policies not yet published). This is not so. The Woolpit NP has been published for Pre-Submission consultation and does not include the application site as one of the sites in Woolpit suitable for housing development.

The site is incorrectly described in the pre-application officer assessment report obtained from Mid Suffolk DC. The report states: The site is enclosed on three sides by existing residential development comprising a mix of bungalows and modern housing. Existing residential development to the west and east of the site is in the form of frontage development. Existing development to the north is in the form of estate development. The application site is only enclosed by development on one side to the north which consists of bungalow frontage development. The officer appears to be using the description of the larger site covering this area which was the subject of application DC/18/00721 for 45 dwellings and was refused by MSDC. An application now for 5 houses on a site which is approximately one third of that on which application DC/18/00721 for 45 houses was refused is salami slicing. The proposed road layout clearly makes provision for a future extension into the remainder of the field. The applicant is avoiding the requirements of a major development application and should be required to make an application for the full site at this stage.

National Consultee (Appendix 4)

Natural England

Natural England has no comments to make on this application.

County Council Responses (Appendix 5)

SCC - Highways

Initially additional information was sought. After consultation no reason for refusal was given and conditions recommended.

SCC - Fire & Rescue

Suffolk Fire and Rescue Service recommends that fire hydrants be installed within this development on a suitable route for laying hose, i.e. avoiding obstructions. However, it is not possible, at this time, to determine the number of fire hydrants required for fire fighting purposes. The requirement will be determined at the water planning stage when site plans have been submitted by the water companies.

Internal Consultee Responses (Appendix 6)

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

Having looked at this application I have noted the site size is just under 0.5 hectares for 5 dwellings at 0.498 hectares. A site size of 0.5 hectares or over triggers the requirement for an affordable housing

contribution. Therefore, on this application there is no requirement to provide an affordable housing contribution.

Environmental Health - Land Contamination

No objection to the proposed development from the perspective of land contamination.

Other consultee responses

Ecology (Appendix 7)

Holding objection due to insufficient ecological information.

An enhancement and mitigation report, providing detail of compensation has been submitted as a result of this holding objection. The detail of which has been confirmed verbally by Place Services as being acceptable. This is being formalised in writing and the time of completing this report and will be fed in to the presentation.

B: Representations

At the time of writing this report at least 20 letters/emails/online comments have been received. However, due to a consultation of the neighbours 6 of which are duplicates from the same address. Therefore, there are 14 different households that submitted comments. All are objections. All planning considerations have been considered from all 20 comments received.

Views are summarised below:-

- Poor connectivity to village of Woolpit.
- Rags lane and Drinkstone Road are considered too narrow.
- Other developments such as Green Road have been approved but impacts on the Highway system have yet to be felt. Concern over more development being approved without other developments being delivered.
- Hedgerow and wildlife will be impacted. The hedgerow on site is considered ancient. Yellowhammers are on site and considered to be endangered.
- Landowner has not consulted the Parish Council.
- Land has not been allocated for development in the Woolpit Neighbourhood plan.
- Mid Suffolk has a five-year housing land supply.
- Environmental Health have raised objection.
- Unsafe for any pedestrians using Rags Lane.
- Unsuitable passing places for vehicles and not suitable for High volume of traffic.
- Approval for developments sets a precedent for more in Woolpit when it is felt enough development has been approved/proposed for Woolpit.
- Attractive part of the village. Development will destroy the landscape.
- Corner for The Street and Rags Lane is considered a pinch point. Increase of buses and lorries makes the corner more dangerous.
- Lack of infrastructure means the development cannot be supported.
- Heavily contested developments such as Green Road have been approved. Concern over public trust with the planning authority. • Previous refusal of the application has merit and shows the site is unsuitable.
- Will develop 25% of Rags Lane. 'Trojan Horse' to develop remaining part of Rags Lane.
- Policies are out-of-date and the application should be considered at committee.
- Not affordable for local and young people. Likely the type of housing offered will be unsuitable and not meet local demand/needs.
- *Pictures have been submitted to demonstrate the concern of Highway safety*

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

PLANNING HISTORY

REF: DC/17/02767	Full Planning Permission - Erection of 60 dwellings, access, open space and associated infrastructure	DECISION: WDN 04.12.2017
REF: DC/18/00721	Full Planning Application- Erection of 45 no. dwellings and creation of new vehicular access, open space and associated infrastructure (amended application to previously withdrawn DC/17/02767).	DECISION: REF 01.02.2019
REF: 0538/88/OL	Residential development at a density of 12 dwellings per acre on approx four and a half acres of land and construction of access .	DECISION: REF 19.01.1989

PART THREE – ASSESSMENT OF APPLICATION

1. The Site and Surroundings

1.1. The site relates to a parcel of land which is 0.4995 hectare in size. The overall site sits outside of but abuts the settlement boundary of Woolpit on the northern boundary of the site. The site also abuts the settlement boundary to the east, in part. The overall paddock indicated by the blue outline plan also abuts the settlement boundary on the west boundary.

1.2. The northern boundary runs along Rags Lane. On the opposite side of Rags Lane is a row of dwellings which are part of a larger area of dwellings to the north.

1.3. The southern boundary runs along Drinkstone Road (formally known as Plough Road). On the opposite side of Drinkstone Road are open agricultural fields.

1.4. The east boundary is mostly shared with an adjacent paddock, with a dwelling known as Dawning adjacent to the north east corner of the site. This dwelling is the start of a line of dwellings that runs on the south side of Rags Lane towards The Street in the centre of Woolpit.

1.5. The west boundary is shared the remaining undeveloped paddock/grazing field and beyond this are three dwellings which front Broomhill Lane.

1.6. All boundaries are of dense hedgerows and some trees. The south boundary is of particularly high hedgerow. In respect to heritage assets, the nearest Grade II listed building (Sunridge) is located to the east further along and fronting Rags Lane. The edge of the Conservation Area is located approximately 50m to the east of the site.

1.7. The site use was former allotments and could continue more active agricultural uses.

2. The Proposal

2.1. The proposal is for outline permission for the erection of 5no. dwellings with some matters reserved. Included in this application for consideration is access and layout.

2.2. Drawing Number 4515-0102 P05 is a block plan providing a representation of 2no. dwellings with detached garages and 3no. dwelling with attached garages.

2.3. The proposal also includes the widening of Drinkstone Road around the proposed access and the formalisation of the existing passing bays along Drinkstone Road. As shown and annotated on drawing 4515-0102 P05.

2.4. The proposal has a unit density of 10.01 dwellings per hectare.

2.5. Scale of buildings / heights – this is not included in this application and a matter for a reserved matters application

2.6. Plots are of spacious size accommodating large gardens.

2.7. Plots 1 and 2 face Drinkstone Lane. Plot 5 faces Rags Lane. Plots 3 and 4 are in the centre of the site facing west. Dwellings are over 18m apart between plots 1 and 3. Similarly with plots 4 and 5 this distance between the dwellings (not garages) is over 18m.

2.8. Summary of materials - this is a consideration for reserved matters. However, we would expect quality material in the setting of the site.

2.9. Site Area is 4995m² net

3. The Principle Of Development

3.1. The planning system continues to be plan-led and S38 of the Planning and Compulsory Purchase Act 2004 [PCPA] restates the requirement that “determination must be made in accordance with the plan unless material considerations indicate otherwise”. The Council’s Adopted Development Plan comprising the Adopted Local Plan [1998] and Core Strategy [2008] and Focused Review [2012] is the Council’s primary planning document and with the context of S38 [PCPA] provides the ‘Plan-led’ basis for determining planning applications in the district.

3.2. The NPPF sets out a presumption in favour of sustainable development and details where the circumstances where the ‘Presumption’ applies; this includes where the policies which are the most important for the decision are out of date.

3.3. The relevant policies in the Core Strategy (2008) are CS1, CS2 and CS5.

3.4. Policies CS1 and CS2 of the Mid Suffolk Core Strategy are considered out of date due to their blanket approach which is inconsistent with the NPPF. This has been addressed in the Woolpit appeal (Land on East Side of Green Road, Woolpit (Appeal Reference: 3194926). Furthermore, if these policies were not considered out of date and therefore restricting the development which lies outside of a settlement boundary, as policy CS1 does, it would be unreasonable to dismiss the application on this alone as the site is well related to the existing built form by abutting and infilling the settlement boundary.

3.5. Therefore, the definition of sustainable development in paragraph 8 of the NPPF is utilised to determine whether the proposal of 5no. dwellings on this site is considered sustainable development.

3.6. Paragraph 8 of the NPPF sets out the following three objectives of Sustainable development:

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

a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.'

3.7. In terms of the economic objective the proposal will provide a temporary benefit during construction of the proposal supplying jobs and through the purchasing of supplies. The proposal will also provide an ongoing benefit with the future occupiers of the proposal supporting the shops and facilities in Woolpit.

3.8. In terms of a social benefit the proposal will supply additional homes and contribute to additional people to the community of Woolpit providing a stronger and diverse population. Although, Mid Suffolk can evidence a land supply of 5.66 years.

3.9. In terms of the environmental objective the proposal is very close, approximately 220m, to the centre of Woolpit where a range of shops are available including convenience stores. The primary school is approximately 700m away. For this reason, it may be reasonable to suggest that there is very little reliance on a motor vehicle, which would go towards helping reducing carbon emissions compared to other potential housing sites. Further analysis of these routes is covered in section 4 and 5 of this report.

3.10 Further assessment of the environmental objective would see the effective use of land which is currently overgrown and left unused or unappreciated. However, on the contrary this unused land may be considered a natural habitat for wildlife and contribute to the landscape character of the area. Notwithstanding this a landscaping scheme can mitigate/reduce the impact on the character of the area, further analysis of this is within section 7.

3.11. In terms of impacts to habitats and biodiversity the largest impact is the removal of some of the hedgerow on Drinkstone Road. The proposal as requested by our Ecology team has offered a strategy to ensure that sufficient mitigation is incorporated within the scheme to provide net gains on this loss of hedgerow. This is in the form of substantial native planting, including a ditch and bank and dictating the part of the remaining paddock as a flower meadow encouraging biodiversity to thrive. These will be discussed further in the report and would be secured via a s106 legal agreement.

3.12. It is therefore considered that the proposal can offer positive net gains in the combination of the objectives set out in paragraph 8 of the NPPF to achieve sustainable development. This is consistent with previous planning decision on this site.

3.13. Policy CS5 of the CS (2008) seeks to the maintain and enhance the environment, including historic environment and retain local distinctiveness. In terms of historic environment this 'goes further' than the NPPF requires and is also considered out of date.

3.14. Policy H7 of the LP (1998) may also be considered a relevant policy. It 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'. Policy H7 seeks to protect the countryside. Granted this site is classified as countryside under policy CS1 as it sits out of the settlement boundary. However, this blanket approach in classification is the very reason its policy CS1 is considered out of date. Due to the sites spatial relationship with the existing built form of Woolpit and abutting the settlement boundary, limited weight is given to policy H7 and therefore not consider to be part of the most important policies in determination of this application.

3.15. Policy WPT12 of the emerging Woolpit Neighbourhood Plan designates this site and the wider paddock to the west in which this site relates to as a designated as Local Green Space. This is based on the NPPF paras 99 and 100 according to the Neighbourhood Plan.

3.16. The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period.

3.17. The Local Green Space designation should only be used where the green space is:

- a) in reasonably close proximity to the community it serves;
- b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
- c) local in character and is not an extensive tract of land.

3.18. As yet the designation of this site as Local Green Space has not been tested against being consistent with local planning of sustainable development. It has also not been tested as to why it is "demonstrably special" and "holds a particular significance". The supporting document Local Green Space Appraisal part of the NP will be considered by the future examiner.

3.19. Policy WPT12 does state "New development on designated Local Green Space will only be permitted in very special circumstances". This fails to identify what these circumstances are and also allows for the possibility of development at the same time. Therefore, there is uncertainty as to intentions of this policy at this time and this will need to be resolved during any future examination of the policy. In any event, the Neighbourhood is in its early stages, and therefore very limited weight can be attributed to this. It must, however, be stated that this NP will begin to gain some weighting once it progresses through the process. It is due to finish its formal consultation on the 7th of February and begin the examination period straight after.

3.17. Similarly, the emerging Joint Local Plan also of very limited weight does not offer any allocation of development on this site. Furthermore, the settlement boundary around the site has not been amended to that which is the 1998 Local Plan.

3.18. As the proposal is considered sustainable development against paragraph 8 of the NPPF and as the most relevant policies with the Local Development Plan and Core Strategy are considered out of date, paragraph 11 of the NPPF is engaged.

3.19. According to paragraph 11 of the NPPF the application should be approved unless 'i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.'

3.20. In principle therefore, this site is considered acceptable subject the finer assessment of other planning considerations set out in the below report.

4. Nearby Services and Connections Assessment of Proposal

4.1. As detailed in paragraph 3.9. above, services and facilities are located within 220m of the site and approximately 700m to the primary school. However, Drinkstone Road and Rags Lane, which are the two roads into Woolpit from the site, lack any pedestrian and or cycle paths. Rags Lane is mostly lined by residential development and has street lighting, so it is not unreasonable to suggest that to access the shops in the centre of Woolpit pedestrians and cyclists would actively use Rags Lane for this short journey. The proposal offers a pedestrian and cycle only access on to Rags Lane.

4.2. Further consideration to Rags Lane and Drinkstone Road is assessed in section 5 of this report.

5. Site Access, Parking And Highway Safety Considerations

5.1. Access is a consideration attached to this Outline application.

5.2. The proposal provides a new vehicle access on the southern boundary, a pedestrian access on the northern boundary, widening in places of Drinkstone Road and the formalisation of passing bays on Drinkstone Road.

5.3. It is considered by the planning officer that of 5no. new dwellings would not intensify the usage of Rags Lane by pedestrians and cyclists beyond that which it could withstand. Rags Lane, as already identified, is narrow and the intensification of 40 or 60 new dwellings as previous applications have proposed would significantly intensify the usage of Rags Lane beyond its capabilities. The increase of 5 new dwellings would not. Similarly, the intensification of vehicle movements associated with 5 new dwellings along Drinkstone Road are not significant enough to warrant a refusal.

5.4. This is echoed by the highways comments which offer no reason for refusal but rather conditions to make the application acceptable. Including securing adequate visibility splays.

5.5. The proposal of widening Drinkstone Road in areas and formalising passing bays will bring forward welcomed improvements that will benefit all users of this highway. These improvements shall be secured if approved.

5.6. The public benefit as of result of the improvements to Drinkstone Road against the limited intensification of vehicle movements associated with 5 no houses provides is considered to be acceptable.

5.7. The proposal therefore provides a safe access, improves the suitability of Drinkstone Road and does not significant intensify the road use which would be harmful to highways safety. The proposal therefore complies overall with policy T10 of the Local Plan (1998).

5.8. The proposal provides parking and manoeuvring space within the site for each dwelling. The number of parking spaces required is unknown at this time as the sizes of the dwellings is left for the reserved matters stage.

6. Design And Layout [Impact On Street Scene]

6.1. Layout is a matter of consideration for this outline application.

6.2. Policy GP1 states that:

'Poor design and layout will normally be refused in new development. The district planning authority will normally grant permission for proposals which meet the following design criteria:-

- proposals should maintain or enhance the character and appearance of their surroundings, and respect the scale and density of surrounding development;
- materials and finishes should be traditional, or compatible with traditional materials and finishes and should respect local architectural styles where appropriate;
- the siting of buildings and the creation of open spaces between existing and proposed buildings should maintain or enhance the character of the site, with attention to the treatment of boundaries particularly on the edge of settlements;
- layouts should incorporate and protect important natural landscape features, including existing trees, shrubs and hedgerows;
- proposals should make proper provision for the garaging, parking and turning of motor vehicles and for footways and access in a manner that does not dominate the appearance and design of the layout;
- landscaping should be regarded as an integral part of design proposals;
- the interrelationship between buildings and open spaces in any layout should act to minimise opportunities for criminal activity, consistent with good layout and architectural design.

6.3. The proposal provides a spacious layout with significant spaces between dwellings. The density of 10.01 dwellings/ hectare is similar to that on Rags Lane and less dense than the residential estate north of the site. In this sense the proposal maintains and respects the density of the surrounding area.

6.4. Materials, finishes and design are a consideration for a subsequent reserved matters application. That said, the closest dwellings existing to the north of site are of single storey nature. The dwellings along Mitre Close, to the north west are of two storeys. We would expect a mix of dwellings to come forward at a reserved matters stage and would not feel it necessary to condition for single storey only.

6.5. The existing eastern boundary will retain its current hedgerow. Additionally, the northern boundary will in the most part be retained with a small area lost to allow for the pedestrian access and visibility splays.

6.6. The southern boundary will be lost to allow for the new access and visibility splays for the site. However, extensive planting and landscaping set back and separating the development and the road can reduce the impact of this loss and continue the countryside setting of the Drinkstone Road.

6.7. The layout provides a single vehicle access off Drinkstone Road running along the western boundary of the site and serving the dwellings within the site to the east. With a secondary road used to access plots 1 and 2 within the site, the layout is not dominated by driveways and garages on initial entry.

6.8. The ecology process secured planting of native hedgerow long the whole of the western boundary of the site. This will include a ditch and bank to improve the habitableness of the hedgerow for species.

6.9. The road also includes a turning head near plots 4 and 5. Concerns have been raised by representations that this will inevitable be used to unlock the remaining paddock to west at a later date. This may be the case, but would be a consideration for that future application. The potential of a piecemeal approach to the overall site will be covered in section 12 of this report. In terms of the layout for consideration there is no reason why this turning head is unacceptable. It will allow for emergency and refuse vehicles to turn around. Furthermore, as per the ecology recommendations the western boundary will go around the turning head.

6.10. The relationship between buildings is in pairs, plots 1 and 2 are well related, side by side at the front to the site. Plots 3 and 4 are central to the site. Plot 5 relates well with and fronting Rags Lane, continuing the existing line of development . Travelling through the site, via the proposed road, grass verges and planting break up vista ensuring that it is not dominated by built form.

6.11. For these reasons the proposal is considered to provide good layout for this modest development. With further landscaping, planting design details to be considered at reserved matters stage the proposal complies with GP1 of the Local Plan 1998.

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

7.1. The site has no protected trees.

7.2. There are no protected species recorded on the site. No evidence has been provided of any protected species on site.

7.3. There is no pond within the site.

7.4. The site is overgrown with bushes and grass. It is reasonable to suggest that the site contains a natural habitat for birds and other animals, however, there is no evidence of protected species. This site could be cleared for the continuation of the sites current use as former allotments land or more active agricultural uses.

7.5. Regulation 9(5) of the Conservation of Habitats and Species Regulations 2010 (Implemented 1st April 2010) provides that all "competent authorities" (public bodies) to "have regard to the Habitats Directive in the exercise of its functions." It has been considered that no criminal offence under the 2010 Regulations against any European Protected Species is likely to be committed. There are no recordings of protected species within the site or likely to be affected in the immediate area. It is unlikely that any protected species would be found within this site and as such this proposal is not considered to be harmful in terms of biodiversity issues.

7.6. The proposal does remove part of the hedgerow on the southern boundary to allow for the access. A significant enhancement and mitigation strategy report has been submitted. This provides, as a result of the removal of this hedgerow, new native planting along the whole of the western boundary. Securing part of the existing meadow to remain in the future to act as the ecology compensations as a result of this proposal. Place Services have verbally provided their satisfaction to this and are currently providing written response, this will be feed into the presentation. These compensation measures will be secured via a s106.

7.7. Remaining on the topic of the southern boundary, made up of tall dense hedgerow, it is important to considered how this contributes to the character along Drinkstone Road. This character is a transitional one that represents built form on the eastern end of Drinkstone Road as you move out of the conservation area of Woolpit into the countryside. Moving past this hedgerow a single dwelling is evident on the corner of Drinkstone Road and Broomhill Lane.

7.8. The proposal would, by removing part of the hedgerow, provide a further break in this transitional character. However, with hedgerows still either side of the access and sites the transitional character would not be lost all together. Additional, replacement planting is proposed, and a landscape scheme is expected as part of the reserved matters application. This will reduce the impacts of the lost hedgerow and reaffirm the character of the area.

7.9. Objections have described the hedgerow as being 'ancient'. Ancient hedgerows are defined as being those which support the greatest diversity of plants and animals, are generally defined as those which were in existence before the Enclosure Acts, passed mainly between 1720 and 1840 in Britain. This does not mean that the hedge is protected in its own right or against development. For the purpose of planning considerations and the relevant regulations, the status that needs understanding is if the hedgerow is "important" and it is defined by the length, location and importance of the hedgerow with specific criteria of the hedgerow regulations. If this hedge were to qualify, this means permission would be required for the removal or part thereof of the hedge. This permission is sought as part of this application to ensure it is covered by the application, regardless if it is needed or not.

7.10. Should the hedge be defined as important in the future, your officers consider that there is sufficient landscaping and planting to replace the hedgerow removal along with the compensation scheme relating to ecology. These are considered to outweigh its removal.

8. Land Contamination, Flood Risk, Drainage and Waste

8.1. The proposal has been accompanied with a phase one land contamination survey which is considered acceptable.

8.2. The site is in a Flood Zone 1 area and therefore there are no known flood risk issues considered significant.

8.3. Other matters of drainage and waste are a consideration from reserved matters.

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

9.1. The site is neither includes a Listed Building or within the Conservation Area. The site is approximately 65 metres from a Grade II Listed Building and the Woolpit Conservation area.

9.2. It is considered that the proposed development would cause no harm to both the Listed Building and the conservation area due to the existing built form that separates them from the site along the Rags Lane.

9.3. This is echoed by the Heritage team by way of choosing to not provide comments on the application.

9.4. Details of design and materials is for the reserved matters application and these should respect the history of the area.

10. Impact on Residential Amenity

10.1. It is difficult to fully assess the impact on residential amenity in the absence of design and elevations indicating the positioning of openings, which would come at reserved matters stage.

10.2. However, the layout shows that within the site plots are mostly separated by a garage and the back to back distances are over 18m ensuring that overshadowing and overlooking is unlikely.

10.3. It is considered that there is no loss of light to the existing dwellings outside of site as the only plot 5 is closely related to the existing dwellings and its position, set back and with approximately 8.5 metres between it and the dwelling known as Dawning to the east.

10.4. A full assessment will be done at reserved matters stage when the heights and proposed opening of the dwellings are known, but it is considered that design solutions would be available to avoid significant harm to amenity and so this is not a principle matter to warrant refusal.

10.5. Based on the details provided to date it is considered that there is no likely significant harm or risk to residential amenity as result of the proposed development.

11. Planning Obligations

11.1. The proposal in its current form does not require any obligation relating to affordable housing due to its plot size not meeting the required threshold of 0.5h.

11.2. This recommendation is subject to securing the s106 that relates to the passing bays on Drinkstone Road and the ecology compensation measures that sit outside of the red line plan.

12. Other matters

12.1. Archaeology were consulted on previous applications that relate to this site and given past understanding of the site it is considered reasonable to condition the application for investigation works prior to development.

12.2. Planning representations from the Parish and the public relate to the concern of the remain paddock coming forward as a piecemeal approach to the wider site and miss out of important affordable housing allocation. In planning law each application has to be taken on its own merits and cannot guess at what might come forward. Only if there is any other application can affordable housing triggers be a consideration

including if the combined area was a piecemeal approach. Furthermore, it has been considered by this report that the current application does not intensify the road network significantly to warrant a refusal, but further applications that may come forward would have a cumulative impact that may be considered unacceptable, especially as previous applications have been refused on this basis.

PART FOUR – CONCLUSION

13. Planning Balance and Conclusion

13.1. The proposal offers sustainable development as defined in paragraph 8 of the NPPF.

13.2. Paragraph 11 and tilted balance of the NPPF is engaged as a result of the most relevant development plan policies for determining this application are considered out of date.

13.3. Whilst the council can evidence a 5.66 year land supply, the proposal offers an application that is well related spatially to the settlement boundary of Woolpit to warrant a reason for refusal in its own right.

13.4. The proposal puts forward a well layout development in accordance with policy GP1. This is given moderate weight.

13.5. The proposal does not give rise to a significant intensification to the road network that would warrant a refusal. In addition, it secures public benefits in the widening of Drinkstone Road and the formalisation of passing bays. For this reason, significant weight has been applied.

13.6. The proposal does result in the loss of overgrown land which may be considered a habitat to wildlife, however in the absence of evidence of protected species this is not given significant weight.

13.7. The proposal requires the hedgerow to be removed in part on the southern boundary to provide for the new access and appropriate visibility splays. This will be a dilution of character along Drinkstone Road and a loss of habitat. However, limited weight is given to this as replanting and landscaping can reduce the impact to the transitional character and ecology compensation has been provided to replace the lost habitat as well as securing the part of the existing meadow land to remain.

13.8. The Woolpit Neighbourhood Plan is currently at Pre-submission publicity and consultation stage and therefore very limited weight is given to its Open Space Policy and this document. The neighbourhood plan is due to enter the examination period on the 7th of February and as a result may be changed.

13.9. Additionally, very limited weight is given to the policies of the emerging Joint Local Plan, which is also in a pre-submission consultation stage.

13.10. Therefore, on planning balance at this time the proposal of 5 no. dwellings which has been considered as sustainable development and while modest in size, offers significant public benefits by way of improvements to Drinkstone Road and economic and social growth and minimal reliance on a motor vehicle which significantly and demonstrably outweighs the harm identified of ecological impacts, which compensation has been evidenced, and impacts to the transitional character.

RECOMMENDATION

That authority be delegated to the Chief Planning Officer to Grant Outline 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:

- The implementation and retention of the ecology compensation as recommended that sit outside of the red line plan.
- The improvements to Drinkstone Road.

(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:

- Standard time limit (3yrs for implementation of scheme and 1 years to submit Reserved Matters application)
- Approved Plans (Plans submitted that form this application)
- Reserved Matters
- Swfit/Owl/Bat Boxes and Hedgehog fencing scheme to be agreed
- SuDs conditions as recommended
- Market housing mix prior to or concurrent with reserved matters to be agreed
- Energy and renewal integration scheme to be agreed
- Rainwater harvesting to be agreed
- Construction Plan Management to be agreed.
- Level access to enable wheelchair access for all dwellings/buildings.
- All conditions recommended by the SCC highway's authority
- All Conditions recommended by the Ecology Place Services on their response received on the 7 Jan 2020.
- Phasing Condition (To allow phasing of the development and allows spreading of payments under CIL)

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

- Pro active working statement
- SCC Highways notes
- Support for sustainable development principles
- Further landscaping consideration along the west boundary to be considered as part of a reserved matters scheme.

(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

[5] In the event that the application has not been determined at the time that [a] the Neighbourhood Plan (NP) Examiners report is published and [b] that report recommends the designation / allocation of the application site as green space as proposed within the draft NP then the application be reported back to Committee having regard to such change in material policy considerations