

Committee Report

Item 7D

Reference: DC/19/04796

Case Officer: Alex Scott

Ward: Walsham-le-Willows.

Ward Member/s: Cllr Richard Meyer.

RECOMMENDATION – GRANT PLANNING PERMISSION

Description of Development

Application under Section 73 of the Town and Country Planning Act. DC/17/02783 (Erection of up to 22 dwellings) as amended by DC/18/04327 without compliance with Condition 21 (Ecology) and Condition 27 (Ecology).

Location

Land Opposite, Broad Meadow, Walsham Le Willows, Suffolk

Expiry Date: 07/02/2020

Application Type: FUW - Full App Without Compliance of Condition

Development Type: Major Small Scale - Dwellings

Applicant: Sunnyside Farms

Agent: Mrs Susanna Sanlon

Parish: Walsham Le Willows

Site Area: 0.57ha

Density of Development:

Gross Density (Total Site): 38.6dph

Net Density (Developed Site, excluding open space and SuDs): NA. (No layout provided)

Details of Previous Committee / Resolutions and any member site visit: Outline planning permission (with all matters reserved) granted by Committee on 14th March 2018.

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

Has the application been subject to Pre-Application Advice: No

PART ONE – REASON FOR REFERENCE TO COMMITTEE

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

It is a “Major” application for:

- a residential development for 15 or more dwellings

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

NPPF - National Planning Policy Framework
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
CS04 - Adapting to Climate Change
CS05 - Mid Suffolk's Environment
CS06 - Services and Infrastructure
CS09 - Density and Mix
GP01 - Design and layout of development
HB14 - Ensuring archaeological remains are not destroyed
H04- Proportion of Affordable Housing
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
CL08 - Protecting wildlife habitats
CL11 - Retaining high quality agricultural land
T09 - Parking Standards
T10 - Highway Considerations in Development
RT12 - Footpaths and Bridleways
HB01 - Protection of historic buildings
RT04 - Amenity open space and play areas within residential development

Neighbourhood Plan Status

This application site is within a Neighbourhood Plan Area.

The Neighbourhood Plan is currently at:-

Stage 1: Designated neighbourhood area

Accordingly, the Neighbourhood Plan has Little 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)

Walsham-Le-Willows Parish Clerk

The Parish Council made no comment.

National Consultee (Appendix 4)

NA.

County Council Responses (Appendix 5)

NA.

Internal Consultee Responses (Appendix 6)

Ecology - Place Services

No objection subject to securing biodiversity mitigation and enhancement measures:

- Welcome review of baseline Bat data
- Are satisfied that the revised approach would likely avoid impacts on the foraging/commuting routes of Bats using the treeline, and improve the overall structure and associated quality of the flight line;
- Revised approach is acceptable as an alternative to the buffer previously secured by way of condition;
- Agree that the bespoke mitigation detailed within the Preliminary Ecological Appraisal (PEA) Addendum is based on scientific evidence and will deliver a workable buffer for bats and improved ecology mitigation scheme;
- Agree that alternative measures must be completed with a sympathetic design and use of appropriate lighting to avoid light pollution during construction and operational phases;
- Support the recommendation of the PEA Addendum and recommend;
- Are therefore satisfied that sufficient information is available for determination of this application.

MSDC - Public Realm

Comments received:

- Note reduction in width of the buffer strip and reasons behind this requested change.
- Proposed amendments do not materially change the open space provision within the development;
- As long as the ecological reasons for proposal are supported by the Council's Ecology consultants - No objections;
- Additional tree planting along boundary welcomed (so long as this is not 'Double Counted' by any subsequent application on adjoining land);
- Additional ecological enhancements will be required over and above those already agreed in this phase.

MSDC - Communities (Major Development)

No comment from Communities.

B: Representations

At the time of writing this report at least 1 letter(s)/email(s)/online comments have been received. It is the officer opinion that this represents 1 objection comment. A verbal update shall be provided as necessary.

Views are summarised below:-

- Affect on local Ecology/wildlife
- Affect on Health and Safety
- Affect on increased Traffic/Highways Issues
- Strain on existing community facilities
- Concern with regards cumulative impact of this scheme and scheme for 60 houses opposite (Total of 80 houses) - Consider these homes are too much for the village roads, schools and amenities
- Request that the planning department stop the developments until a legal footpath is in place linking the sites to the village, schools and amenities
- Concern with regards pedestrian safety if the footpath is not provided prior to approval of the developments.

(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/17/02783	Outline planning application (with all matters reserved) - Erection of up to 22 dwellings.	DECISION: GTD 30.05.2018
REF: DC/18/04327	Application under Section 96a of the Town and Country Planning Act – Non Material Amendment to Outline Planning Permission for the Erection of up to 22 dwellings (Ref: DC/17/02783).	DECISION: GTD 14.11.2018

PART THREE – ASSESSMENT OF APPLICATION

1. The Site and Surroundings

- 1.1. The site in question is currently open countryside and approx. 0.57ha of agricultural land (grade 3). The site contains a natural enclosure from the wider open countryside due to the existing mature hedges and tree belt that surround the site to the north and east. There is also an existing track that runs along the northern edge of the site.
- 1.2. The site is adjacent to the settlement boundary of Walsham-le-Willows, which is a designated primary village in accordance with Policy CS1 of the adopted Mid-Suffolk Core Strategy (2008), and is known as a Core Village in the emerging Babergh & Mid-

Suffolk Joint Local Plan. Walsham-le-Willows being a primary village some basic local services can be found to meet local needs.

2. The Proposal

- 2.1. The application is submitted under section 73 of the Town and Country Planning Act and seeks approval of variation of conditions 21 and 27 of Outline Planning Permission Ref: DC/17/02783, granted in May 2018, for the erection of up to 22 no. dwellings, with all matters reserved.
- 2.2. Condition 21 of permission DC/17/02783 requires all ecological mitigation and enhancement measures and/or works to be carried out in accordance with the Preliminary Ecological Appraisal submitted as part of that planning application. Condition 27 of the same permission requires an ecological mitigation and management plan (EMMP) for the 10 metre ecological buffer zone, between the development and the green lane to the north of the site.
- 2.3. The applicant considers the abovementioned conditions, as drafted, to be inconsistent as they require a buffer zone, designed to protect Bat Habitat at the site, to be maintained at differing widths (15 metres and 10 metres).
- 2.4. Having taken their own further ecological advice, and reassessed how the site is being used by the Bat population, the applicant has suggested that the 15 metre buffer zone currently required by the aforementioned conditions is neither the most effective measure available to protect the Bat population, nor does it offer the optimum enhancement opportunity in relation to Bat habitat. The current buffer zone required by the conditions only extends approximately 70 metres along the length of the application site and the applicant considers this is not the best fit as an ecological mitigation measure for the Bat population at the site.
- 2.5. By comparison, beyond the application site, the applicant's ecologists have suggested that it would be more effective to extend the length of the tree belt, supporting the bats onward journey out of the application site. The applicant's ecologists have identified that a tree belt extension of some 340m beyond the tree belt's current extent could be provided and it is considered that this would provide a much more appropriate enhancement measure for the population of Bats observed at the site. For these reasons, the applicant considers this current application presents a major ecological benefit (in both quantitative and qualitative terms).
- 2.6. Accordingly, the current application proposes a variation of the aforementioned conditions to reduce the width of the required buffer zone from 15 metres to 5 metres, and with protective anti-light spill measures, in the form of a fence or dense hedgerow. A much-extended tree line of approximately 340 metres beyond the application site is also proposed as part of the variation.
- 2.7. The applicant considers the revised proposals would provide bespoke ecological enhancements in relation to the Bat population at the application site and beyond. The applicant considers that these amended recommendations provide further mitigation and enhancement beyond that proposed in the original application, providing greater ecological benefit.
- 2.8. The applicant, therefore, proposes amendment of the aforementioned conditions in line with the newly proposed Bat habitat protection and enhancement measures suggested.

3. The Principle Of Development

- 3.1. The principle of the proposed development has been established by host Outline Planning Permission ref: DC/17/02783, which remains extant until at least 30th March 2021 (by which time a reserved matters application should have been submitted). This extant permission is material in the consideration of the current application.
- 3.2. Should this current application be granted it would not affect the current time limit condition attached to the host permission and the application would have the same amount of time to submit a reserved matters application and commence the development.
- 3.3. Having had regard to the provisions of the current development plan, having had regard to all other material considerations, your officers consider the principle of the proposed development remains acceptable, as previously assessed and approved.

4. Design And Layout [Impact On Street Scene]

- 4.1. As per the previous assessment and recommendation given in relation to host Outline Application ref: DC/17/02783 your officers maintain the view that the indicative layout identifies how the site could accommodate up to 22 new dwellings, subject to appropriate design detail being agreed at reserved matters stage. Your officers consider the indicative proposal identifies any such scheme at reserved matters stage will ensure efficient use of the land, which will accord with the provisions of the NPPF. Based on indicative information received as part of the host Outline application, it is considered likely that the detailed design and layout would take reference from the adjacent development to the south, at Broad Meadow.

5. Site Access, Parking And Highway Safety Considerations

- 5.1. In assessing the host outline planning application, your officers commented previously that the application is in outline form with all matters reserved, however, it was considered apparent from the indicative information received that the main vehicular access would be via Broad Meadow, to the south of the site, which would be shared with the existing properties to the south.
- 5.2. Your officers considered that indicative information previously submitted in relation to the provision of the proposed: access and visibility splays; footpath links to the south of the site; and on-site turning and parking to be sufficient to make a suitable informed judgement that the development would not result in a severe impact on existing highway safety, with matters of detail to be considered at a later date, as part of a reserved matters submission. In their formal response SCC-Highways, although less than satisfied with the indicative layout provided, were content to allow the applicant to reserve detailed highways information until reserved matter stage.
- 5.3. The current submission does not affect your officer's recommendation, with regards Highway Safety issues.

6. Impact On Residential Amenity

- 6.1. The existing host permission is in outline form, with all matters reserved, and no detail with regards the layout, scale and appearance of the proposed dwellings has yet been provided. Such matters are expected as part of a future reserved matters application.

- 6.2. The proposed land use is Class C3 and would not, therefore, result in significant impact on the amenities currently enjoyed by occupants of existing neighbouring properties in terms of noise and disturbance. Additional traffic movements associated with 22 no. new dwellings are also not considered to result in a significant impact on existing neighbouring amenity.
- 6.3. Your Environmental Protection Officers have recommended submission of a construction management plan, secured by way of condition 29 of the host permission, which your officers recommend repeating, should permission be granted for this current proposal. A suitable construction management strategy secured under the provisions of this condition will ensure that short term harm to residential amenity, during construction, will be minimised.

7. Ecology, Biodiversity And Protected Species

- 7.1. The Council's Ecology Consultants have reviewed the submitted Landscaping and Layout details submitted with this application. In addition, have reassessed the submitted Preliminary Ecological Appraisal (PEA) Addendum (prepared by the applicant's Ecology Consultants: 'Base Ecology', dated September 2019) in relation to alternative mitigation options that would ensure that the flight line of Barbastelle bats along the north of the site is adequately protected throughout all phases of the proposed development.
- 7.2. Your Ecology Consultants and Officers welcome the review of baseline bat data in the locality alongside available Barbastelle Bat research on flight patterns and behaviour in order to assess whether the proposed 15m buffer is proportionate and effective means to protect local Barbastelle Bat activity patterns.
- 7.3. Your Ecology Consultants note that the findings of this study revealed that the standardised planning approach detailed within best practice guidance on artificial lighting is unlikely to have the desired effect in securing a dark passage for Barbastelle Bats using the southern edge of the tree line adjacent to the development site.
- 7.4. Your Ecology Consultants are satisfied that the revised approach proposed is likely to avoid impacts on the foraging/commuting routes of Barbastelle Bats using the tree line. A reduction in the width of the buffer zone with a fence and/or hedge, while improving the overall structure and associated quality of the flight line is acceptable as an alternative to the buffer secured by Conditions attached to Host Outline Permission ref: DC/17/02783.
- 7.5. Your Ecology Consultants agree that the bespoke mitigation detailed within the PEA Addendum is based on scientific evidence and will deliver a workable buffer and for Bats and improved Ecology mitigation scheme. As per previous ecological comments, your consultants and officers also agree that the alternative measures must be complemented with a sympathetic design and use of appropriate lighting to avoid light pollution during construction and operational phases.
- 7.6. Your Ecology Consultants and Officers support the recommendations of the PEA Addendum (Base Ecology, September 2019) and recommend that these are secured by a condition of any consent. The recommendations are as follows:
 - 1) *Safeguard a 5m buffer strip (i.e. the existing width of the access track) on the northern boundary and delimit the edge of the residential development by a hedge or fence;*
 - 2) *Along the southern edge of the tree line, strengthened with additional planting (Hawthorn/Blackthorn) in the few places there are small gaps present; and*

3) *Extend the tree line to the east by enhancing the existing hedgerow with additional planting (i.e. to fill any gaps present and provide a tree belt to continue the existing tree line). It is recommended species planted should be similar to that already present within the green lane and tree line (e.g. Field Maple, Hazel, Hawthorn, English Oak, Elder, Blackthorn and Common Elm).*

- 7.7. Your Ecology Consultants and Officers are, therefore, satisfied that sufficient information is available for determination of this application, and to allow for a variation of the relevant conditions previously imposed (by way of the host Outline Permission), as proposed by the applicant.
- 7.8. To secure the alternative mitigation scheme for Barbastelle Bats, your Ecology Consultants also recommend that the details for the additional planting proposed within the red and blue line land (shown on the submitted plan "Proposed Tree Belt Extension Location Plan") and its long-term management, are secured by a condition of any permission granted. This will enhance conditions for Barbastelle Bats commuting and foraging in the local landscape and may also improve connectivity between roost sites further afield. This is necessary to provide the LPA with certainty of impacts on legally protected and Priority species and enable it to demonstrate compliance with its statutory duties, including its biodiversity duty under s40 NERC Act 2006.

8. Land Contamination, Flood Risk, Drainage and Waste

- 8.1. Such matters have been previously assessed as part of host outline planning permission ref: DC/17/02783, and with mitigating conditions imposed where necessary. The current proposal remains acceptable in such regards and relevant conditions previously imposed are recommended to be repeated, should the current application be granted.

9. Planning Obligations / CIL

- 9.1 The SCC Planning Obligations Officer has advised the following is capable of being funded by CIL rather than planning obligations:
- Education primary - £73,086
 - Education secondary - £73,420
 - Education sixth form - £19,907
 - Education per-school – 18,273
 - Libraries £4,752
- 9.2 The SCC Planning Obligations Officer has made clear the school is at capacity, but adjustments in catchment will catch up and SCC has not sought a contribution for a new school. Transportation costs will be sought via s106.
- 9.3. The development seeks to secure 35% affordable housing and accords with the Altered Local Policy H4. The mix and tenure will be secured through the Reserved Matters application and through the S106 agreement.
- 9.4. In accordance with the Community Infrastructure Levy Regulations, 2010, the obligations recommended to be secured by way of a planning obligation deed are (a) necessary to make the Development acceptable in planning terms (b) directly related to the Development and (c) fairly and reasonably relate in scale and kind to the Development.

- 9.5 A section 106 agreement has been completed in relation to host planning permission ref: DC/17/02783 to secure the aforementioned affordable housing and School Transportation Costs. A deed of variation, to be completed in respect of the current application, will secure such contributions in associated with the further permission, should it be granted.

PART FOUR – CONCLUSION

10. Planning Balance and Conclusion

- 10.1. The principle of the proposed development of up to 22 houses remains acceptable, as per host outline planning permission DC/17/02783, granted on the 30th May 2018.
- 10.2. The final design, layout and landscaping of the site is presently reserved, to be considered further at a reserved matters stage. The indicative quantum of development and design reference provide sufficient information to enable your officers to conclude that the proposed number of dwellings, suitably laid out, designed and landscaped, could be provided on the site.
- 10.3. Matters of access are also presently reserved, however, your officers and engineers at the local highway authority consider that sufficient indicative information has been provided with the outline proposal to demonstrate that safe access to the site could be achieved. Such detail would then be considered further at a reserved matters stage.
- 10.4. Your officers and Ecology Consultants consider the revised Ecological Mitigation measures proposed by this current application would deliver associated benefits above those previously agreed.
- 10.5. Having considered all social, economic and environmental matters in this case it is considered the significant benefits for up to 22 new dwellings on the site adjacent to the settlement boundary in close proximity to existing dwellings and in a location where there is a housing shortfall would outweigh any modest harms the development may create. The application is therefore recommended for approval as the benefits of this proposal considerably outweigh any modest harm.

RECOMMENDATION

That the application to vary Conditions 21 and 27 of Outline Planning Permission ref: DC/17/02783 is GRANTED and includes the following conditions:-

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

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

- Planning obligations previously secured under the Section 106 agreement, associated with host planning permission ref: DC/17/02783, being:
 - o Onsite provision of 35% Affordable Housing
 - o School Transportation Contribution

(2) That the Chief Planning Officer be authorised to Grant 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) Standard time limit for submission of reserved matters application and commencement (as per timescales previously imposed by way of host Outline Permission ref: DC/17/02783);
- 2) Approval of reserved matters;
- 3) Approval of location and phasing of affordable Housing;
- 4) Agreement of Materials;
- 5) No alterations to unmarked Track to north of site;
- 6) Archaeology Written Scheme of Investigation;
- 7) Archaeology analysis, publication and dissemination of result and archive deposition;
- 8) Play Space Provision;
- 9) Refuse Bins and collection areas;
- 10) Construction Hours;
- 11) Local Water Authority adoption agreement;
- 12) Provision of Footway linking site to existing footway at Mill Close;
- 13) Access details prior to commencement;
- 14) Details of locations for storage of Refuse and Recycle Bins;
- 15) Details of Estate Roads and Footpaths;
- 16) Highway Carriageways and Footways to at least binder course level prior to occupation;
- 17) Construction deliveries management plan;
- 18) Details of on-site manoeuvring and Parking prior to commencement;
- 19) Highways Access Visibility Splays;
- 20) Fire Hydrant details;
- 21) Compliance with recommendations of Ecology Report (Varied as per current proposal);
- 22) Lighting Scheme;
- 23) Surface Water Drainage Scheme;
- 24) Surface Water Drainage Flow Paths;
- 25) Sustainable Urban Drainage System;
- 26) Construction Surface Water Management Plan;

- 27) Ecology Buffer (Varied as per current proposal);
- 28) Bat Boxes
- 29) Construction Management Plan;

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

- Pro active working statement
- SCC Highways notes
- Public Utility apparatus
- Street lighting system
- Land Contamination Note
- Watercourse of groundwater discharge

(4) That in the event of the Legal Agreement, 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(s).