

Committee Report

Item 7E

Reference: DC/19/04553

Case Officer: Daniel Cameron

Ward: Debenham.

Ward Member/s: Cllr Kathie Guthrie.

RECOMMENDATION – REFUSE PLANNING PERMISSION

Description of Development

Outline Planning Application (some matters reserved - access to be considered) - Erection of up to 32No dwellings (existing buildings to be demolished).

Location

Anchor Storage, Eye Road, Kenton, Stowmarket Suffolk IP14 6JJ

Expiry Date: 04/01/2020

Application Type: OUT - Outline Planning Application

Development Type: Major Small Scale - Dwellings

Applicant: Anchor Storage Ltd

Agent: Philip Cobbold

Parish: Kenton

Site Area: 2.2ha

Density of Development: 15 dwellings per 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): 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:

The application is a major and proposes the development of over 15 residential dwellings.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

NPPF - National Planning Policy Framework

NPPG - National Planning Policy Guidance

Core Strategy Focused Review 2012:

FC01 - Presumption in Favour of Sustainable Development

FC01_1 - Mid Suffolk Approach to Delivering Sustainable Development

FC02 - Provision and Distribution of Housing

Core Strategy 2008:

CS01 - Settlement Hierarchy

CS02 - Development in the Countryside & Countryside Villages

CS03 - Reduce Contributions to Climate Change

CS04 - Adapting to Climate Change

CS05 - Mid Suffolk's Environment

CS06 - Services and Infrastructure

Mid Suffolk Local Plan 1998:

GP01 - Design and layout of development

HB1 - Protection of historic buildings

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

T09 - Parking Standards

T10 - Highway Considerations in Development

T11 - Facilities for pedestrians and cyclists

E03 - Warehousing, storage, distribution and haulage depots

E04 - Protecting existing industrial/business areas for employment generating uses

E05 - Change of use within existing industrial/commercial areas

E06 - Retention of use within existing industrial/commercial areas

CL08 - Protecting wildlife habitats

RT04 - Amenity open space and play areas within residential development

RT12 - Footpaths and bridleways

Supplementary Planning Documents:

Suffolk Guidance for Parking 2014 (updated 2019)

Neighbourhood Plan Status

This application site is not within a Neighbourhood Plan Area.

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)

Kenton Parish Council

Kenton held a Parish Meeting on the Tuesday 22nd October at 7.00pm in All Saints Church, Kenton to discuss the application. The decision of the meeting was to approve the application.

Although recommending approving the application, the parish meeting has concerns which they seek be considered by the Mid Suffolk Planning committee and where required constraints and/or planning conditions applied.

Mid Suffolk and Babergh District Councils Local Plan (MS&BDCLP)

The applicant refers to the MS&BDCLP in its Design Access Including Planning Statement (DAIPS) document, item 37 states;

The application site was identified as a possible housing allocation in the SHELAA and was supported by the Parish Council.

This statement is as per the initial version of the new joint local plan. The current version of the MS&BDCLP and associated SHELAA which has been published and was out for public comment. In this latest iteration of the MS&BDCLP has excluded this parcel of land at Anchor Storage (SS0401) for development with the following statement; -

“Draft SHELAA 2019 (page 557) states; Kenton, (Mid Suffolk) SS0401 - Land east of Eye Road, Kenton - Adjoining land uses would be incompatible with the proposed residential development with no scope for mitigation.”

The parish seeks that the planning committee be briefed on the relative information which resulted in the comments on the SHELAA to this exclusion and take this into account in any decision made.

Infrastructure

The DAIPS item 25 also contains a statement on the decision of the Kenton Parish Meeting when the initial MS&BDCLP: -

“The local Parish meeting also voted in favour of the redevelopment of the site”

In the initial iteration of the MS&BDCLP the parish meetings decision with reference to SHELAA SS0401 was to agree to this possible development. We seek that the planning committee takes the following into account from submission made by Kenton Parish Meeting on the local plan; -

“The parish also seeks that any development in the village of Kenton is beneficial to the Parish of Kenton and that an uplift of infrastructure occurs i.e. roads feeding the village uplifted to accommodate increase traffic flow, passing places built on single track roads, footpaths be installed, children’s Playground built and equipped, etc.”

It is noted that the applicant has identified as per DAIPS item 59 that the village does not have a village hall and has offered; -

The offices of Anchor Storage are formed by a range of temporary structures. As part of the proposal the applicant is happy to offer the office building to the village to relocate it for use as a meeting room.

This offer is appreciated, and the community needs to work to assess its viability.

Kenton does now have SuperFast Broadband which covers the majority of properties in the village. Mobile coverage from the various operators remains for many parts of the village poor. Residents raised issues that to work from or run businesses from home requires both SuperFast Broadband and mobile services to enable this.

The parish seeks that these issues be considered by the planning committee and where agreed conditions included in the decision outcome to improve the infrastructure of the village.

Traffic

The DAIPS, item 31 states; -

“Kenton does have a daily bus service to Stowmarket”

The residents of Kenton are NOT aware of such a service existing or having ever existed.

DAIPS, item 26 includes the statement on traffic movements; -

The average number of vehicular movements to and from the site is 28 HGV movements, 20 vans/light goods and 20 cars.

The meeting accepted that HGV movement to and from the site would decrease. Some of this decrease though of HGV's is negated by vehicles servicing increasing capacity to new business in the area i.e. Cranswick on Eye Airfield in the various stages of it processing for food production. Overall traffic will rise the meeting concluded.

The total movement cited from the existing site of 68 vehicles will be surpassed it is believed by the demands driven by the development.

Based on the local knowledge of residents of Kenton the majority of household have 2 or more vehicles. No service is offered by SCC for primary school children's transport from Kenton. The proposed new development of 32 houses would drive the need for 2+ vehicles per household. and householder deliveries which will surpass total traffic movement of the site.

The parish seeks that these issues be considered by the planning committee and where agreed conditions included in the decision outcome to improve the infrastructure of the village.

Flood Risk & Drainage

The DAIPS, item 8 includes the statement: -

As this is an outline planning application with all matters reserved except for means of access, the surface water strategy for the site is a matter which can be controlled by a planning condition.

From the document Flood Risk Assessment and Drainage (FRA&D) mapping shows the site to be of a low risk. However, when the village of Kenton is viewed the area of Church Close and Shepherds Croft are classified as high risk areas (<https://flood-warning-information.service.gov.uk/long-term-flood-risk/map>) as are further areas downstream at Kenton Corner and beyond.

The concerns of residents are aligned to the applicants in that these risks needs to be controlled by a planning condition.

Foul Water

Also considered is foul water from the following statement from the FRA&D: -

“The public sewer to the north serves a small number of dwellings, which discharge to a tank. The effluent is regularly tankered away. It is therefore unsuitable for this scale of development.”

This refers to a foul treatment plant which covers Garneys Close, Kenton. This treatment works is not classed as a mains sewer system. Any attempt by the developer to connect to this system will required discussions with MSDC Housing and the private residents of Garneys close due to the potential changes to current charges levied.

The concerns reinforce the acceptance by the applicant, and it is sought that no connection to this foul water system can be made and is supported by a planning condition.

Affordable and low-cost housing

The DAIPS item 28 includes the statement on generating homes for the local community: -

“the proposal will provide affordable and low-cost housing which will benefit the local community by providing new homes for young people in Kenton and adjoining villages.”

The residents of Kenton seek that the Planning committee applies constraints and/or planning conditions to ensure the offer of affordable and low-cost housing is made available to local people only.

Accessibility to services

The DAIPS, item 30 includes the statement: -

“Kenton is a short distance from Debenham which benefits from a wide range of local services and facilities for day to day living,”

This we concur with. However, taking the day to day experiences of the residents of Kenton navigating the streets of Debenham as with many locations locally at peak periods and then successfully parking are increasingly taking longer to achieve. Infrastructure improvements have failed to keep pace with the increased traffic generated from the housing development built to date. Consideration needs to be given to the ability of local facilities i.e. roads, parking spaces, primary and secondary schools, surgeries etc to name a few are sufficiently expanded to cope from the multiple developments in the locality which have increased the pressures on these services and are impacting on the locality’s residents.

The residents of Kenton seek that the Planning committee applies constraints and/or planning conditions to ensure these issues are addressed.

Conclusion

The parish of Kenton remains positive to this application. However, the benefits of it and to the wider community are difficult to measure in the positive. There are no facilities in Kenton, no pub, no shop, no post office, virtually roadside footpaths etc. The is to the knowledge of the residents no plan to change this.

Facilities local to the residents of Kenton are in general in Debenham, shops, schools, doctors (but a problem with churn of doctors), sheltered housing, leisure centre, fire station, pub, post office, etc. Daily interactions and impacts on the residents occur due to the infrastructure and services not keeping pace i.e. retention of doctors at the surgery impacting on appointment waiting times. The demands being driven are not being allied to previous and proposed housing developments in the locality which are failing to meet the rising demands on the infrastructure and services. The search for a parking space is becoming an everyday experience to blight residents’ lives.

The Parish of Kenton seeks these be addressed and that the benefits aspired to become an actual reality and not just words on a page. Please respect our local view and reasoning with the application of constraints and planning conditions sought to mitigate these concerns.

National Consultee (Appendix 4)

Anglian Water

The applicant has indicated on their application form that their method of foul and surface water drainage is not to an Anglian Water sewer. Foul Water is being proposed to be disposed via a package treatment plant and surface water via a watercourse. Therefore, this is outside our jurisdiction for comment and the Planning Authority will need to seek the views of the Environment Agency, Internal Drainage Board and Local Lead Flood Authority to gauge whether the solutions identified are acceptable from their perspective.

Environment Agency

Thank you for consulting us on the above application on 10 November 2019. We have reviewed the documents as submitted and can confirm that we are raising a holding objection on foul drainage grounds. Details on how to overcome our objection can be found below. We have also included details relating to flood risk below.

Foul Drainage

We have reviewed the documents submitted and the application proposed the use of a package treatment plant for foul drainage. The applicant has not supplied adequate information to demonstrate that the risks of pollution posed to surface water quality can be safely managed if a package treatment plant is used. No assessment of the risks of pollution to the surface water environment has been provided by the applicant or details of site drainage.

Also, no confirmation of responsibility of the package treatment plant has been provided by the applicant on completion of the development. Until we receive sufficient basis for an assessment to be made of the risks of pollution to ground and surface water, along with confirmation that Anglian Water or another DEFRA approved organisation will be adopting the package treatment plant, we must continue to recommend a holding objection.

We ask to be re-consulted once the applicant has provided assessments that cover the above. We will provide you with bespoke comments within 21 days of receiving formal re-consultation. If you are minded to approve the application contrary to this advice, we request that you contact us to allow further discussion and/or representations from us.

Flood Risk

The applicant has sequentially sited all proposed development within Flood Zone 1.

Our maps show the site boundary lies within fluvial Flood Zone 3a/2 defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as having a high/medium probability of flooding. The proposal is for Outline Planning Application for 32 No dwellings (existing buildings to be demolished) which is classified as a 'more vulnerable' development, as defined in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance.

We are satisfied that the flood risk assessment, undertaken by G.H. Bullard and Associates referenced 010/2018/FADDS and dated Sept 19, provides you with the information necessary to make an informed decision.

J Flow

The Flood Zone maps in this area are formed of national generalised modelling, which was used in 2004 to create fluvial floodplain maps on a national scale. This modelling was improved more recently, using a more detailed terrain model for the area. This modelling is not a detailed local assessment, it is used to give an indication of areas at risk from flooding.

JFLOW outputs are not suitable for detailed decision making. Normally, in these circumstances, an FRA will need to undertake a modelling exercise in order to derive flood levels and extents, both with and without allowances for climate change, for the watercourse, in order to inform the design for the site.

However, as the applicant has sequentially sited their proposed development to be wholly within Flood Zone 1, we feel it is unnecessary to request the applicant to further model the ordinary watercourse with regards to the safety of the proposed development because the development should remain dry and provide refuge throughout the 0.1% (1 in 1000) annual probability event.

FEH Catchment Analysis and Flood Risk

The applicant has undertaken an FEH catchment analysis to determine if there is capacity within the channel of the watercourse to take the flows produced by the 1% (1 in 100) year rainfall event plus allowance for climate change or, whether it would overspill onto the floodplain.

The details of this can be found in Appendix I. There are no details of the flood levels in m AOD associated with these flows but based on this catchment and channel assessment, the site is not expected to flood, and hence the site is not considered to be located within Flood Zone 3. There is therefore a safe, dry means of access/ egress on the site during the 1% (1 in 100) cc event, as the water will be contained within the channel.

The 0.1% (1 in 1000) year event has not been assessed. However, given that the properties are 2 story, there will be refuge available above this associated flood level.

If you feel you do not have sufficient information with regards to flood levels on the access/egress routes, we advise that 1D modelling should be undertaken to accurately establish the risk to the access/egress routes in terms of potential depths and locations of flooding. The watercourse should be modelled in a range of return period events, including the 1 in 20 (5%), 1 in 100 (1%) and 1 in 1000 (0.1%) year events, both with and without the addition of climate change. Please remember to request the new climate change allowances. The flood levels on the access/egress routes should be determined and compared to a topographic site survey to determine the flood depths and extents along the access/egress routes. This should be used to establish a route of safe access.

Modelling

Flood risk modelling undertaken by a third party has been used in support of this application and the we have applied a risk-based approach to the assessment of this model. In this instance a basic review has been carried out.

We have not undertaken a full assessment of the fitness for purpose of the modelling and can accept no liability for any errors or inadequacies in the model.

Historic England

Thank you for your letter of 7 October 2019 regarding the above application for planning permission. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

Natural England

Natural England has no comments to make on this application.

County Council Responses (Appendix 5)

Archaeology

Thank you for consulting us on this proposal. In my opinion there would be no significant impact on known archaeological sites or areas with archaeological potential. I have no objection to the development and do not believe any archaeological mitigation is required.

Development Contributions

Summary of infrastructure requirements:

- Education - sixth form expansion £22,738 to be funded through CIL;
- Libraries £6,912 to be funded through CIL;
- Education - Secondary school transport £28,800 to be funded through S.106 Agreement;
- Highways – To be confirmed within bespoke response from the Highways Authority but would be funded through S.106 Agreement; and
- Monitoring fee for each trigger point £500 to be funded through S.106 Agreement.

Fire and Rescue

Hydrants are required for this development.

Access and Fire Fighting Facilities

Access to buildings for fire appliances and firefighters must meet with the requirements specified in Building Regulations Approved Document B, (Fire Safety), 2006 Edition, incorporating 2010 and 2013 amendments Volume 1 - Part B5, Section 11 dwelling houses, and, similarly, Volume 2, Part B5, Sections 16 and 17 in the case of buildings other than dwelling houses. These requirements may be satisfied with other equivalent standards relating to access for firefighting, in which case those standards should be quoted in correspondence. Suffolk Fire and Rescue Service also requires a minimum carrying capacity for hard standing for pumping/high reach appliances of 15/26 tonnes, not 12.5 tonnes as detailed in the Building Regulations 2000 Approved Document B, 2006 Edition, incorporating 2010 and 2013 amendments.

Water Supplies

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 firefighting purposes. The requirement will be determined at the water planning stage when site plans have been submitted by the water companies.

Sprinklers Advised

Suffolk Fire and Rescue Service recommends that proper consideration be given to the potential life safety, economic, environmental and social benefits derived from the provision of an automatic fire sprinkler system. (Please see sprinkler information enclosed with this letter).

Consultation should be made with the Water Authorities to determine flow rates in all cases.

Flood and Water Management

Suffolk County Council, Flood and Water Management have reviewed application ref DC/19/04553.

The following submitted documents have been reviewed and we recommend a holding objection at this time:

- Location Plan (No Reference); and
- Flood Risk Assessment and Drainage Strategy ref 010/2018/FRADS P1.

The reason why we are recommending a holding objection is because whilst the applicant has evaluated the existing flood risk to the site, there is insufficient detail within the surface water drainage strategy.

The points below detail the action required in order to overcome our current objection: -

1. Applicant needs to demonstrate that they can accommodate a full open SuDs system rather than a hybrid. If a hybrid SuDs system is to be proposed, then a viability statement is to be provided.
2. Applicant needs to demonstrate that there is sufficient space for a basin that meets the LLFA design criteria; and
3. Applicant to provide a CDM Designer risk assessment for the basin design.

Internal Consultee Responses (Appendix 6)

Ecology

No objection subject to securing biodiversity mitigation and enhancement measures.

Summary

We have reviewed the Extended Phase 1 Survey Report (Hillier Ecology Limited, September 2018) relating to the likely impacts of development on designated sites, protected species and Priority species & habitats.

We are satisfied that there is sufficient ecological information available for determination.

This provides certainty for the LPA of the likely impacts on protected and Priority species/habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

The mitigation measures identified in the Extended Phase 1 Survey Report (Hillier Ecology Limited, September 2018) should be secured and implemented in full. This is necessary to conserve and enhance protected and Priority Species.

We also support the proposed reasonable biodiversity enhancements, which have been recommended to secure measurable net gains for biodiversity, as outlined under Paragraph 170d of the National Planning Policy Framework 2019. The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured prior to slab level.

This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

Economic Development

Summary

Thank you for consulting the Open For Business Team. The OFB Team OBJECTS to the proposed development as it would undermine the aims and objectives of the Council's Open For Business Strategy 2018.

Support for employment development

In the March 2018 draft NPPF changes[1], chapter 6 'Building a strong, competitive economy' is clear when it sets out "Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.". the NPPF continues to support rural growth, development, diversification and well-designed new buildings.

The Council's Open For Business Strategy 2018 sets out the aims and objectives of the Council towards economic prosperity. The Council seeks to:

- c) Help to deliver 10,000 new jobs* and nearly 18,000 new homes** by 2036;
- d) Deliver a range sites of different types, sizes and locations of employment land and premises to meet both identified business sectoral needs as well as general employment sites;
- g) Raise the quality of local jobs, the value of our businesses, increase average wages, and support gender pay equality; and
- h) Support local businesses to survive, thrive and grow and in doing so recognise that our local economic bedrock is micro and SME businesses/enterprises and these support, and build identity, within our local communities.

To enable the delivery of the above, we will:

- g) Support the creation of additional commercial floorspace and premises.

The Strategy commits the Council to

- e) ...Our Economic Development Strategy offers another layer which supports this growth and provides opportunities for change. Our aim is to link people to jobs, not trying to steer business, industry and markets, but respond to and champion their needs and help them to grow. The Councils, and in particular our planning and our built environment related services can facilitate and enable sustainable growth rather than seek simply to control it without consideration of the bigger picture; and
- f) Foster a culture of encouraging proposals for economic development, with applications being assessed on their detail in the context of the Local Plan. Where that detail needs careful scrutiny, we'll keep that culture in the forefront of our consideration if we need to find solutions that aren't on the table.

General need for premises

The Council's main evidence is established in the Lichfields Ipswich Economic Area (IEA) Sector Needs Assessment 2017. (<https://www.babergh.gov.uk/assets/Strategic-Planning/Current-EvidenceBase/Ipswich-Economic-Area-Sector-Needs-Assessment-Sept-2017.pdf>)

This identifies a need for 9.1 hectares of B1a/b Office space and 0.3ha of B1/B2/B8 industrial space. It is assumed that 70% of new floorspace would be in lower density, business park developments with a plot ratio of 0.4, with 30% in higher density town centre locations at a plot ratio of 2.0. This reflects the existing pattern of office development in these areas which are characterised by limited town centre office markets and a greater prevalence of edge/out of town business parks. The study does not envisage the loss of existing premises.

Employment conditions in rural Mid Suffolk

The majority (>98%) of businesses in Mid Suffolk are Micro businesses (between 0 – 9 employees), and Small and Medium Enterprises (SME) (10 – 49 employees). Only 0.2% or 10 businesses operating their registered address within the district can be counted as large businesses with over 250 employees. The needs of each scale of business are very different but have traditionally been addressed as a single need.

In the rural Mid Suffolk District, farm conversions such as the subject site offering small scale, low cost premises— both in response to the lack of supply on recognised sites, and the need for premises throughout the Districts rather than just focused on the main towns. These sites are under an ever-increasing threat from redevelopment of sites into other uses – specifically residential use. While it can be appropriate in some circumstances to reuse vacant, redundant, brownfield land, there have also been cases of functioning and viable employment land and premises being lost.

The OFB Team objects to the loss of employment land and premises across the District, as the current low supply of suitable premises is stifling growth and productivity. Indeed, with low churn rates, high rental values and very low vacancy in employment locations, the loss of further premises, particularly in rural areas where need is at its highest, cannot be accepted without at the very least alternative provision to accommodate existing occupiers.

Where buildings are vacant due to condition, the OFB Team considers that redevelopment with new employment buildings is sequentially preferable to complete loss to another use. Loss of employment and building of more houses does not lead to the development of sustainable communities, as more homes and fewer local job opportunities leads to additional out-commuting and pressure on local services.

Policy

Chapter 6 of the NPPF sets out that planning for a prosperous rural economy supports objective A of the NPPF overall: “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”.

Local Plan Policies E4, E5 and E6 specifically support this stance as the thrust of the policies is to protect legitimate employment uses. Circumstances may exist where loss is appropriate, but no evidence has been submitted to support the same. There is no evidence to support the suggestion that the current site is “non-conforming” under E7. Even where existing uses/users/premises are considered inappropriate, then the land remains an employment location and the preference is for alternative employment uses rather than outright loss.

Conclusion

The Economic Development Team cannot support the proposal and recommends that planning permission is REFUSED.

Environmental Health

Many thanks for your request for comments in relation to the above application. I note that the applicant has submitted a Phase I report by Nott Group – I would note that the report does not cover the entire development site. Could we request that the applicant submits a Phase I report that covers the whole of the site before we provide our consultation response. Without a report covering the whole site I would be forced to recommend that the application be refused on the grounds of insufficient information.

Heritage

Based on the limited amount of information included with this outline application, the Heritage Team considers that the proposal has the potential to cause a low to medium level of less than substantial harm to a designated heritage asset because there would be some harm in introducing residential development on this site. The full impact of the proposed residential development would depend on the layout, scale, design, boundary treatment and use of materials of the proposed dwellings.

This is an outline planning application for the erection of up to 32 dwellings next to the Grade II listed Sycamore Farmhouse, following the demolition of existing warehouses. Only access is considered, although an indicative layout has been submitted. The heritage concern relates to the impact of the principle of residential development on this site (following demolition of the existing buildings) on the setting of the listed building, which contributes to its significance.

Sycamore Farmhouse is located to the north of the historic core of Kenton. Historic OS maps show a scattering of farmhouses with outbuildings spread out along this part of the road, which were gradually connected by modern development throughout the C20. The 1884 and 1904 maps show Sycamore Farmhouse with a close grouping of outbuildings to the south and two ponds and possibly an orchard to the north, separating the farmhouse from Sycamore Cottage. By 1978, the smaller outbuildings to the south of the farmhouse were replaced with large structures, surrounding the farmhouse from the north-east to the south, leaving only the area immediately to the north of the listed building undeveloped. The physical form and character of these warehouses compromise the setting of the listed building and its connection to the surrounding landscape to the east.

The introduction of up to 32 dwellings on this site would be contrary to the existing linear pattern of development on this part of Eye Road and would change the character of this land. However, the existing structures and their character currently detract from the setting of Sycamore Farmhouse, therefore their demolition would be positive. Smaller scale dwellings may be less harmful to the setting of the listed building than the existing buildings.

There would likely be some harm associated with the introduction of a residential development on this site. However, this harm would be limited by the extent that the setting of the listed building has already been compromised. The full extent of the impact on the setting of the listed building would depend on the layout, scale, design, boundary treatment and use of materials of the proposed development. Based on the information submitted at this stage, the resulting level of harm would likely be a low to medium level of less than substantial harm, which should be weighed up against public benefits as per para. 196 of the NPPF.

To minimise the level of harm, the layout of the development as shown on the indicative drawing could be improved. For example, maintaining the undeveloped area to the front of the site as open space would better preserve the immediate setting of Sycamore Farmhouse and its position in the streetscape.

Planning Policy

Policy position

The relevant Development Plan policies to consider are:

- National Planning Policy Framework (2019);
- Saved policies of the Mid Suffolk District Local Plan (1998);
- First Alteration to the Mid Suffolk Local Plan (2006)
- Mid Suffolk District Core Strategy Development Plan Document (2008);
- Mid Suffolk District Core Strategy Focused Review (2012)

Kenton is currently identified as a village in the countryside in the adopted MSDC Core Strategy (<https://www.midsuffolk.gov.uk/assets/Strategic-Planning/Mid-Suffolk-CoreStrategy/Core-Strategy-with-CSFR-label-and-insert-sheet-07-01-13.pdf>), policy CS1 (page 24-25), where: *development will be restricted to particular types of development to support the rural economy, meet affordable housing, community needs and provide renewable energy*, as stated in the policy.

Kenton is progressing through the emerging Joint Local Plan as a Hamlet, where only small-scale infill growth would be considered appropriate. The proposed development is for 32 units which is a large application in a settlement where only small-scale growth should be considered to be in accordance with current and emerging planning policy.

The proposed development is also considered contrary to policy, in respect to saved Policies GP1 and H7 of the Mid Suffolk Local Plan (1998), Policies CS2 and CS5 of the Mid Suffolk Core Strategy (2008) and Policies FC1 and FC1.1 of the Mid Suffolk Core Strategy Focussed Review (2012) which seek to direct development to settlements with a greater range of services and facilities, to control development in the countryside and maintain and enhance the environment, amongst other considerations.

Infrastructure Delivery Plan (IDP) position

The IDP (July 2019) sets out both Babergh and Mid Suffolk's infrastructure requirements and priorities. It was published on the 22nd July 2019 as evidence which supports the Joint Local Plan and is an iterative document which will change over time dependant on changing infrastructure capacity, requirements and priorities.

The proposed development is not part of the proposed site allocations of the emerging Joint Local Plan. For the purpose of this response, and to understand the impact on infrastructure capacity, the content of the IDP has been considered together with the existing planning permissions and responses from infrastructure providers.

Over the last five years, only minor development has taken place within the settlement, with no current pending or approved planning applications for over 10 dwellings, other than potentially this outline application, subject to the determination of the above application. There are no proposed site allocations for Kenton in the emerging Joint Local Plan, and therefore there are no specific infrastructure needs set out for Kenton in the IDP.

This proposed development is not therefore part of the planned growth and the infrastructure required to support it are assessed through the planning application consultation process.

As referred above, Kenton is a village in the countryside, where there are no key services or facilities. Whilst it is generally accepted that small scale growth can generally be supported through existing infrastructure and rural housing is encouraged in village where it will support local services (NPPF, Paragraph 77-79). In this case, the local services are only available in Debenham (nearest to the development site) and will primarily be accessed by car. Access, including the means of access, to infrastructure, services and facilities is a key consideration in determining the sustainability of the proposal. In this regard there is considered to be limited and unsustainable access to services and facilities. The nearest facilities are located in Debenham, approximately 2.5 miles away from the site to the centre of Debenham (a Parish which has a made Neighbourhood Plan with proposed allocations).

Infrastructure considerations are:

- Education

There is no primary school within the settlement. The catchment primary school is Sir Robert Hitcham's CEVAP, in Debenham, and the nearest school is Bedford CEVC Primary School. Sir Robert Hitcham is planned to expand in the IDP, Bedford CEVC Primary School is not planned to expand in the IDP in relation to the planned growth of the Joint Local Plan, however, as stated by the County Council in their response of the 10 October 2019, these schools are able to provide for the proposed growth.

The catchment secondary school is Debenham High School, which is not planned to expand in relation to the emerging JLP growth and can provide for this development.

For Post 16 education, Hartismere School (sixth form) in Eye, is the nearest, and is due to expand.

It is important to note that although education provision can be made, the pupils deriving from this development will primarily be driven or bused to their primary and secondary schools, as it is already the case for the existing pupils within Kenton, this additional unplanned growth would therefore create unnecessary adverse harm in respect of social and environmental conditions, and is contradictory to the paragraphs 103, 104a) and 108a) of the NPPF.

- Transport

Specific site details and required contributions would be provided through the County Council Highway response. In relation to public transport, there are no regular bus services to and from Kenton, this further limits the opportunities for using sustainable modes of travel from this proposed development. Although Kenton is within 3 miles of the centre of Debenham, the two settlements are linked by country lanes, where no continuous footways exist to enable safe walking. It is therefore realistic to assume that most trip to access infrastructure and services generated from the development will be made by car, in contradiction with the objectives of the NPPF, paragraph 79.

Within the settlement itself there are poor footpath provision and although the development could provide additional connections to existing footpaths, there are no services and facilities available within the settlement.

- Health

The nearest health centre is the Debenham practice, where the IDP states that mitigation will be sought for cumulative growth in the vicinity of this practice, however the growth proposed from this site would increase capacity on an already over capacity surgery and therefore impacting on the provision made for the planned growth of the Joint Local Plan and the Neighbourhood Plan, and committed growth within Debenham.

Summary

It will be essential that the above points are considered in conjunction with the current application process and infrastructure needs are addressed in accordance with the respective infrastructure providers consultation replies, this response and the IDP.

Overall the application is a major development proposal in a small rural settlement with very limited accessibility to essential services and facilities. The impact of this proposal would be significantly different to that of small scale/ infill growth.

From an education infrastructure point of view, the pupils deriving from this development will primarily be driven or bused to their primary and secondary schools. Although this is already the case for the existing

pupils within Kenton, this additional, unplanned growth would create unnecessary adverse harm in respect of social and environmental conditions, and as such this proposal weighs against paragraphs 103, 104a) and 108a) of the NPPF. Adding to the fact that there are no other key services and facilities in Kenton, and no access to regular public transport, it is therefore realistic to assume that most trip to access infrastructure and services generated from the development will be made by car, in contradiction with the objectives of the NPPF, paragraph 79.

In consideration of the above the proposed development is not considered to conform to national and local planning policy and due to its remoteness/ poor accessibility is considered unsustainable and consequently harmful in accordance with para 79 and 103 of the NPPF.

It is not considered a suitable location for a major housing scheme, having regard to access to services and facilities, the Strategic Planning Team therefore cannot support the proposal and recommends that planning permission is refused.

Public Realm

Public Realm note the inclusion of open space to the rear of this development though details are at this stage, sparse. It would be anticipated that the future management and maintenance of this open space would be undertaken locally as it is only of significant value to those properties constructed as part of this development. Further comments can be made at a later stage should permission for this development be given. Public Realm have no objections to the development as indicated on the plans.

Strategic Housing

Housing Need Information

The Babergh and Mid Suffolk District Strategic Housing Market Assessment confirms a continuing need for housing across all tenures and a growing need for affordable housing. The most recent update of the Strategic Housing Market Assessment completed in February 2019 confirms a minimum need of 127 affordable homes per annum.

The Council's Choice Based Lettings system currently has circa. 700 applicants registered for the Mid Suffolk area as of July 2019. This scheme would be required to help meet with district wide housing need. However, in consideration of the location of this site and its proximity to amenities and infrastructure, I do not consider that this is a suitable location for affordable housing units. In discussion with our Allocations team, we are in agreement that any tenants of the rented units would be dependent upon car travel for pretty much everything in terms of getting children to school or travelling to work.

With regard to the open market housing on the site it is noted that the current proposal is to provide a range of dwelling types and sizes. Our 2014 Housing Needs Survey shows that there is a need across all tenures for smaller units of accommodation, which includes accommodation suitable for older people, wishing to downsize from larger privately-owned family housing, into smaller privately-owned apartments, bungalows and houses.

It would also be appropriate for any open market apartments and smaller houses on the site to be designed and developed to Lifetime-Homes standards, making these attractive and appropriate for older people.

It is not possible to comment on the proposed open market mix as I have been unable to locate a key or table in any of the supporting documentation.

Affordable Housing Requirement

35 % of units = 11 affordable units

The affordable housing would be made available to meet district wide need if provided on site. Due to the location of this site and consideration of its sustainability and impact on affordability we are seeking a Commuted sum in lieu of on-site accommodation.

The indicative layout shows the AH as plots 3 – 13 inclusive. I am unable to identify the dwelling types or sizes from the plan for any of the dwellings proposed.

Commuted sum calculation

This calculation is based on the housing units we would have sought on site if considered to be a suitable location (see below).

Total required = £838,329.80

Detailed Breakdown Rented Units

General Needs affordable rented in the form of:

- 2 x 1 bed 2-person houses @ 58 sqm;
- 4 x 2 bed 4-person houses @ 79 sqm; and
- 2 x 3 bed 5-person houses @ 93 sqm.

Total = 8 dwellings

Detailed Breakdown Intermediate Units

General Needs Shared Ownership dwellings:

- 3 x 2 bedroom 4-person houses @ 79 sqm;

3 dwellings in total

Other requirements

Payment of the commuted sum: -

If this application is granted planning permission the S106 agreement needs to include a trigger point for the payment of the Commuted Sum:

- a) not Occupy or permit Occupation of more than 33 per cent (33%) (rounded down to the nearest whole Dwelling) Market Housing Units in each Phase until fifty per cent (33%) of the Affordable Housing Commuted Sum payment is made to the Council;
- b) not Occupy or permit Occupation of more than sixty-six per cent (66%) (rounded down to the nearest whole Dwelling) Market Housing Units in each Phase until sixty-six per cent (66%) of the Affordable Housing Commuted Sum payment has been made to the Council; and
- c) not to occupy or permit occupation of more than eighty per cent (80%) rounded up to the nearest whole dwelling) Market Housing Units until the remainder of the Affordable Housing Commuted sum payment has been paid.

Recommendation: - Application not supported by Strategic Housing.

B: Representations

At the time of writing this report at least five letters/emails/online comments have been received. It is the officer opinion that this represents four objections, no comments of support and one general comment. A verbal update shall be provided as necessary.

Material planning considerations raised by the objections include:

- Traffic impacts stemming from the increased use of the site by cars, van and motorcycles;
- Nature of local roads which are unlit, narrow and winding with few passing places;

- Lack of pedestrian footways through village;
- Lack of local infrastructure including GP or dental practice, shops or leisure facilities;
- Loss of local employment;
- Lack of parking on site;
- Lack of bus service to Kenton;
- Proposed development is out of keeping with the character of the area; and
- Likely contamination on site owing to asbestos construction of current buildings.

A general comment was received from the Mid Suffolk Disability Forum. They asked that a commitment be made to ensuring that the dwellings proposed within the application be constructed to meet Part M4 of Building Regulations. This section of the regulations deals with dwellinghouses being constructed to be assessible and adaptable for people with disabilities. It is their view that a certain percentage of the dwellings should be built to higher standards set out within Part M4 such that be more readily adaptable or built to be accessible for people in wheelchairs. They also ask that footpaths be wide enough or use by those in wheelchairs and that dropped kerbs be level with the road for easier use.

(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: 3478/10	Retention of existing office building.	DECISION: GTD 17.02.2011
REF: 1384/04	RETENTION OF TEMPORARY OFFICE ACCOMMODATION FOR A FIVE YEAR PERIOD FROM 31/10/05.	DECISION: GTD 31.12.2004
REF: 0851/00/	CONTINUED USE OF TEMPORARY OFFICE ACCOMODATION FOR A PERIOD OF FIVE YEARS	DECISION: GTD 06.10.2000
REF: 0421/95/	ERECTION OF TEMPORARY OFFICE ACCOMMODATION USING PRIVATE FOUL DRAINAGE SYSTEM AND EXISTING VEHICULAR ACCESS.	DECISION: GTD 09.08.1995

PART THREE – ASSESSMENT OF APPLICATION

1. The Site and Surroundings

- 1.1 The 2.2ha site is located on the eastern side of Eye Road in Kenton, a designated countryside village. The site is occupied by a range of warehouses (8000sqm floor area) and single storey offices, operating as 'Anchor Storage'. The existing lawful use of the site is for Use Class B8 (storage and distribution).
- 1.2 Residential development and farm buildings are located north of the site. To the west (on the opposite side of Eye Road) and east is open countryside. Commercial units are located south of the site.

- 1.3 The site is not in a Conservation Area or special landscape designated for protection. The nearest designated heritage asset is the adjacent Grade II listed Sycamore Farmhouse which the site essentially wraps around on its eastern and southern boundaries. The site is in Flood Zone 1.

2. The Proposal

- 2.1 Outline planning permission is sought, with all matters reserved except access, for up to 32 dwellings including affordable housing. An indicative masterplan showing a proposed layout supports the application and indicates that the construction of up to 32 dwellings could be achieved.
- 2.2 The indicative layout utilises the existing single vehicular access off Eye Road and provides for a range of detached, semi-detached and terraced housing. An open space area is proposed to the rear-most portion of the site and landscaping is proposed to the site's perimeter. The supporting Planning Statement suggests the development outcome will comprise 'a mix of single storey, one and a half storey and two-storey dwellings of traditional form and appearance and incorporating the use of traditional materials.'

3. The Principle of Development

- 3.1 The starting point for any planning decision is the development plan, as identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004. Determination of any application must be made in accordance with the plan unless material considerations indicate otherwise. A key material consideration regarding the principle of development is the National Planning Policy Framework (NPPF) 2019.
- 3.2 For the purposes of the application at hand, the following documents are considered to form the adopted Development Plan:
- National Planning Policy Framework (NPPF, 2018)
 - National Planning Practice Guidance (NPPG, 2014)
 - Mid Suffolk Core Strategy Focussed Review (2012)
 - Mid Suffolk Core Strategy (2008)
 - Mid Suffolk Local Plan (1998)
- 3.3 Mid Suffolk benefits from a five-year housing supply. There is no requirement for the Council to determine what weight to attach to all the relevant development plan policies in the context of the tilted balance test, whether they are policies for the supply of housing or restrictive 'counterpart' policies, such as countryside protection policies. This said, there is a need for Council to determine whether relevant development policies generally conform to the NPPF. Where they do not, they will carry less statutory weight.
- 3.4 The NPPF requires the approval of proposals that accord with an up to date development plan without delay, or where there are no policies, or the policies which are most important are out of date, granting permission unless the NPPF policies provide a clear reason for refusal, or adverse impacts of doing so would demonstrably outweigh the benefits. The age of policies itself does not cause them to cease to be part of the development plan or become "out of date" as identified in paragraph 213 of the NPPF. Significant weight should be given to the general public interest in having plan-led decisions even if the particular policies in a development plan may be old, and weight can be attributed to policies based on their compliance with the requirements of the NPPF.
- 3.5 Policy CS1 and CS2 of the Core Strategy, and saved Policy H7 of the Local Plan are policies most important for determining the application. Policy CS1 identifies a settlement hierarchy as to

sequentially direct development, forming part of a strategy to provide for a sustainable level of growth. The Policy identifies categories of settlement within the district, with Towns representing the most preferable location for development, followed by the Key Service Centres, Primary then Secondary Villages. Policy CS2 restricts development in the countryside to defined categories. Local Plan Policy H7 seeks to restrict housing development in the countryside in the interests of protecting its existing character and appearance.

- 3.6 The exceptional circumstances test at Policy CS2 applies to all land outside the settlement boundary, as does saved Policy H7. This blanket approach is inconsistent with the NPPF, which favours a more balanced approach to decision-making. The NPPF does contain a not dissimilar exceptional circumstances test, set out at paragraph 79, however it is only engaged where development is isolated. The definition of isolation in the context of this policy has been shown within court judgements to relate to *physical* isolation only. The subject land is not physically isolated, and it must follow that paragraph 79 does not engage.
- 3.7 Having regard to the advanced age of the Mid Suffolk settlement boundaries and the absence of a balanced approach as favoured by the NPPF, the statutory weight attached to the above policies is reduced as required by paragraph 213. The fact that the site is outside the settlement boundary is therefore not a determinative factor upon which the application turns.
- 3.8 Saved Policy HB1 is a heritage policy that generally reiterates the statutory duty in relation to heritage assets set out within the Planning (Listed Buildings and Conservation Areas) Act 1990. It is not considered up to date as it does not allow for the weighing of public benefits against heritage harm, a key tenet of the NPPF which is set out in detail at paragraph 196. For the same reason CS Policy FC1-1 is deemed not up to date as it also does not allow for the weighing of public benefits against heritage harm.
- 3.9 Therefore, it cannot be shown that the policies of the Council carry sufficient weight to be determinative to this application. This conclusion is reached irrespective of the Council's five-year housing land supply position. Paragraph 11d) of the NPPF is relevant, it requires that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed;
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 3.10 Turning first to (i) above, footnote 6 of the NPPF given at paragraph 11d states that the areas or assets of particular importance referred to within the policy are those relating to: habitats sites and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets; and areas at risk of flooding or coastal change. Of these areas/assets, those relevant to the application are: (a) designated heritage assets; and (b) areas at risk of flooding.
- 3.12 The aim of the NPPF, the delivery of sustainable development, remains unchanged. The three dimensions of sustainable development, in the context of the proposed scheme, are assessed in detail below.
- 3.13 *Social Dimension* - The delivery of additional housing is recognised as a social benefit and while the Council can demonstrate a five-year housing land supply, this cannot be read as a cap on development but does reduce the level of weight attributed to this benefit. While the application

proposes 11 affordable housing units on the site, Strategic Housing do not support this element of the scheme because of the site's remoteness from services, noting 'tenants of the rented units would be dependent upon car travel for pretty much everything in terms of getting children to school or travelling to work'. This outcome offers limited social benefits.

- 3.14 *Economic Dimension* - The provision of up to 32 dwellings will give rise to considerable employment during the construction phase owing to the scale of development proposed. The New Anglia 'Strategic Economic Plan' (April 2014) acknowledges that house building is a powerful stimulus for growth and supports around 1.5 jobs directly and 2.4 additional jobs in the wider economy for every home built. The proposal will, therefore, result in job creation during the construction period which will have positive regional economy benefits,
- 3.15 Although not an allocated employment site, it is nonetheless a lawful, well established employment land parcel. The redevelopment of the site would therefore lead to the loss of the employment use. Saved Policy E4 states that the Council will resist developments which would likely prejudice the continued use of employment sites while E6 recognises the valuable contribution local employment sites bring to an area and requires significant benefits be offered to offset their loss.
- 3.16 Paragraph 121 of the NPPF is more flexible, allowing the use of retail and employment land for housing, but only in areas of high housing demand where the residential use of the site would not compromise key economic sectors.
- 3.17 There is nothing to suggest there is no reasonable prospect of the site being used for employment uses in the future, however, this opportunity is lost through a change to a residential use. There are limited commercial premises in the settlement which would enable employment generation to take place or to replace the loss of the employment. The loss of the site would significantly impact on the ability of the settlement to provide a modest range of employment opportunities. The loss of local employment opportunities not only has a longer-term economic consequence, it has an adverse environmental impact as it does not help to avoid unsustainable travel patterns to jobs and services elsewhere. These factors weigh negatively in the planning balance.
- 3.16 *Environmental Dimension* - The application is located within the countryside and no services or facilities are noted within Kenton itself. Connections to surrounding villages are poor, made down unlit country roads which are considered to be intimidating to pedestrians, especially when the distances to the surrounding villages are taken into account. This is considered to lead to a high degree of car dependency for the application, contrary to the provisions of the NPPF.
- 3.17 A limited degree of less than substantial harm to the setting of the listed building is also noted, however, the application does serve to remove the existing buildings which are also considered to form existing harm, therefore, it is considered that this element of the application is afforded a neutral weight.
- 3.18 In fully weighting the scheme against the strands of sustainable development, some benefits are noted. However, the site is isolated from services and facilities and would lead to the loss of an existing employment site with nothing to more permanently offset this loss or to demonstrate that this area is one of high housing demand.
- 3.19 The Joint Local Plan is emerging, currently in Regulation 18 phase with the consultation period recently completed. Limited weight is attached to the emerging Joint Local Plan given the preparatory stage of the document. Notwithstanding, as observed by Planning Policy, it is to be

noted that the village of Kenton is progressing through the emerging Joint Local Plan as a Hamlet, where only small-scale infill growth would be considered appropriate.

4. Nearby Services and Connections Assessment of Proposal

- 4.1 Kenton is a small rural settlement and consequently has very limited accessibility to services and facilities. No services or facilities are noted within Kenton itself. Kenton is less than three miles (2.3 miles) from Debenham, which does provide access to a number of services including Co-Operative Store, cafes, two public houses, antiques dealers, as well as a doctor's surgery, veterinary practice and secondary school. However, the connection between the villages would be made down country lanes with an absence of continuous footways. It is considered that use of these routes would not be optimal for pedestrians given that they are likely to be viewed as being intimidating for pedestrians. There are no regular bus services to or from Kenton.

5. Site Access, Parking and Highway Safety Considerations

- 5.1 Access is a matter sought for approval. Policy T10 of the Local Plan requires the Local Planning Authority to consider a number of highway matters when determining planning applications, including; the provision of safe access, the safe and free flow of traffic and pedestrian safety, safe capacity of the road network and the provision of adequate parking and turning for vehicles. Policy T10 is a general transport policy which is generally consistent with Section 9 of the NPPF on promoting sustainable transport, and therefore is afforded considerable weight.
- 5.2 Paragraph 109 of the NPPF confirms that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 5.3 The development proposes to utilise the well-established access that is used by the existing commercial operation. Existing sufficient visibility splays are provided. The access arrangements are safe and suitable for all users, consistent with paragraph 108 of the NPPF.
- 5.4 The removal of the existing storage business would reduce the number of HGVs using the nearby local road network. Any improvement to highway safety in this regard would not be significant. It would however improve local amenity conditions for neighbouring residents. The improved conditions would be partly offset by the increase in private vehicle movements associated with 32 dwellings. On the whole, however, it is considered that a public amenity benefit would accrue in this regard, weighing positively in the planning balance.

6. Design and Layout

- 6.1 No detail as to the design and layout of the site is available save the illustrative masterplan. This would be secured as part of any subsequent Reserved Matters application and would be brought back to Development Control Committee for approval.

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

- 7.1 Policy CS5 of the Core Strategy seeks to protect and conserve landscape qualities taking into account the natural environment and the historical dimension of the landscape as a whole rather than concentrating solely on selected areas, protecting the District's most important components and encouraging development that is consistent with conserving its overall character. However, blanket protection for the natural or historic environment as espoused by Policy CS5 is not consistent with the Framework and is afforded limited weight.

- 7.2 Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils.
- 7.3 The site is already developed for commercial purposes. The warehouse buildings do not contribute positively to the character of the area. The loss of the commercial buildings is welcomed. A 32 dwelling development would arguably result in a less harmful landscape impact than the existing commercial site conditions. However, this is not to suggest that the landscape outcome would be an appropriate one having regard to local character. The density and level of housing proposed is of a relatively high level (in the context of the settlement) which would give rise to a modern suburban character of development. The scale and density of housing proposed is large in the context of the small scale, rural settlement. A modern suburban enclave with an internalised road network, dominated by cul-de-sacs, would starkly contrast with the prevailing one-plot-deep linear development pattern. Moreover, currently there is an absence of any housing that wraps around the frontage dwellings along this section of Eye Road. Introducing such a discordant landscape element would undermine local character.
- 7.4 The layout is not fixed and could be changed at the reserved matters stage, but in light of the amount of development proposed and the site constraints (including the adjacent listed setting), in reality the changes to the layout or a reduction in the amount of dwellings within the housing site would not be able to avoid the adverse landscape effects (identified above) to any great degree. Harm to the general character and appearance of the area, including the landscape setting, is deemed greater than moderate. This harm is contrary to paragraph 127 of the NPPF, which seeks to ensure development adds to the quality of an area and is sympathetic to local character.
- 7.5 Regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 (Implemented 30th November 2017) provides that all "competent authorities" (public bodies) to "have regard to the Habitats Directive in the exercise of its functions." An ecology report supports the application which has been reviewed by the Council's Ecology Consultant. The report concludes the development would not adversely impact any statutory or non-statutory designated sites of nature conservation in the vicinity of the site. This has been assessed by the Council's Ecology Consultant who confirm the report's findings.
- 7.6 The consultant recommends that a Biodiversity Method Statement and Biodiversity Enhancement Strategy be submitted concurrent with reserved matters. The Statement will detail appropriate mitigation measures to follow during construction, the Strategy will secure biodiversity enhancements proposed in the supporting ecology report, which have been recommended to ensure measurable net gains for biodiversity consistent with paragraph 170 of the NPPF.

8. Land Contamination, Flood Risk, Drainage and Waste

- 8.1 Paragraph 178 of the NPPF suggests planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land contamination. Paragraph 180 states that decisions should also ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment.
- 8.2 A Phase 1 Contamination Report supports the application. However, it does not extend across the whole of the site and so does not directly assess the entirety of the site. The Council's Land Contamination Officer suggests in the absence of this information that the application is refused on the grounds of insufficient information. In light of the current use of the site, which extends

across the whole of the site, land contamination is deemed an important consideration. The application has not demonstrated that the site is suitable for housing, contrary to paragraphs 178 and 180 of the NPPF.

- 8.3 The NPPF seeks to avoid, where possible, flood risk to people and property. It advocates applying the sequential test and, if necessary, the exception test. Paragraph 163 of the NPPF states that applications should be supported by a site-specific flood-risk assessment.
- 8.4 The rear-most portion of the site is prone to flooding (Flood Zone 3). The application is informed by a supporting flood risk assessment. As a result, the design excludes the siting of any housing on the flood prone area, with an open space area instead proposed. In essence, and as noted by the Environment Agency, the applicant has sequentially sited all proposed development within Flood Zone 1. This approach is consistent with that advocated by the NPPF.
- 8.5 Paragraph 165 of the NPPF states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should, amongst other matters, take account of advice from the lead local flood authority.
- 8.6 SCC Flood and Water raise a holding objection, noting there is insufficient detail within the surface water drainage strategy. SCC has made clear the information requirements needed in order to assess this element of the scheme. However, to date, this information has not been provided. The application therefore does not take account of advice from the lead local flood authority, contrary to paragraph 165 of the NPPF. This NPPF conflict provides a clear reason for refusing the development proposed, in accordance with the direction provided at paragraph 11d(i) of the NPPF.
- 8.7 As paragraph 165 of the NPPF provides a clear reason to refuse the application, there is not a need to further consider whether the adverse impacts would significantly and demonstrably outweigh the harm identified above. However, for completeness, the application's performance against the tilted balance test is provided below. This assessment is approached by framing the key issues in the context of the three dimensions of sustainable development, social, economic and environmental.
- 8.8 The application indicates that foul sewage would be dealt with through connection to the mains sewer and also through package treatment plant. As an outline application no detail is provided on this issue at this point, however, it is considered that this would be more fleshed out with submission of any reserved matters application.

9. Heritage Issues

- 9.1 Policy HB1 of the Local Plan seeks to protect the character and appearance of buildings of architectural or historic interest, particularly protecting the settings of Listed Buildings. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Listed Building or its setting.
- 9.2 Consultation with the Council's Heritage Team notes that the existing warehouse and office buildings on site currently are considered to compromise the setting of Sycamore Farmhouse. Therefore, their removal as part of this application would serve as a benefit. However, the scope of this benefit is reduced given that the application would replace the existing buildings with 32 residential dwellings. While they note that the full extent of any harm associated with this

application could not be fully judged until the layout, scale and design of the scheme is known, they nevertheless identify a low to medium level of less than substantial harm.

- 9.3 Paragraph 196 of the NPPF requires that levels of less than substantial harm to designated heritage assets be weighed against the positive public benefits of the scheme bearing in mind that the NPPF also gives great weight to the preservation of a heritage asset.
- 9.4 With regards to the public benefits offered by the application, these extend to the provision of additional housing within the district, together with the provision of affordable housing. To some extent the benefit of this housing and affordable housing is offset through the fact that the location is not considered to be a sustainable one for additional housing.
- 9.5 It is therefore considered that the benefits of the application are not sufficient to offset the identified level of less than substantial harm identified by the Council's Heritage Team. Therefore, the application is deficient when read against the provisions of the NPPF and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

10. Impact on Residential Amenity

- 10.1 Saved Policy H13 of the Local Plan seeks to ensure new housing development protects the amenity of neighbouring residents. Saved Policy H16 of the Local Plan seeks to protect the existing amenity of residential areas. Paragraph 127 of the NPPF sets out a number of core planning principles as to underpin decision-taking, including, seeking to secure a high standard of amenity for all existing and future occupants of land and buildings.
- 10.2 There is nothing in the application that suggests residential amenity cannot be adequately managed at the appropriate reserved matters stage of the development process. The outline stage of the process is not the appropriate time to be considering this matter given the absence of layout, siting and design detail.
- 10.3 Proximity to the adjacent (southern) commercial premises is a matter requiring attention given the potential impact of its use on the internal amenity of future residents of the development. This however could be managed at the reserved matters stage through the adoption of an appropriate amenity buffer, such as a suitable separation distance. Reverse sensitivity is not deemed a sufficient ground upon which to resist the application.

11. Planning Obligations and Community Infrastructure Levy

- 11.1 The application is liable to CIL which would be managed through the standard independent CIL process triggered at the reserved matters stage. The application, if approved, would require the completion of a Section 106 agreement to secure a management plan for the public open space areas contained within the site, as well as for the delivery of affordable housing.
- 11.2 The County Council in their function as Education Authority have noted that a contribution is required to secure the transport of secondary school aged pupils is required to be secured through a Section 106 Agreement as well.

PART FOUR – CONCLUSION

12. Planning Balance and Conclusion

- 12.1 The most important development plan policies relevant to determining the application, including saved Policy H7 and Core Strategy Policies CS1, CS2, CS5 and FC1.1, are out-of-date. Accordingly, they must carry less than full weight. The default 'tilted balance' position at paragraph 11(d) of the NPPF is engaged.
- 12.2 The first test at paragraph 11(d) relates to the situation where specific policies in the NPPF indicate development should be restricted, such as where areas at risk of flooding are concerned. The NPPF contains specific policies aimed at areas at risk of flooding. The application avoids development in the area of the site prone to flooding, in accordance with the NPPF. Paragraph 165 of the NPPF advocates for the incorporation of sustainable drainage systems that should take account of advice from the lead local flood authority. The lead local flood authority objects to the scheme. The application is contrary to paragraph 165 of the NPPF. This policy conflict provides a clear reason for refusing the development, in accordance with the direction provided at paragraph 11d(i) of the NPPF.
- 12.3 The second test at 11(d) states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 12.4 The density and level of housing proposed would be at odds with the low density, rural character of the area. A suburban housing estate of 32 dwellings set in a linear settlement pattern will result in adverse landscape impacts. Heritage impacts are also adverse, and despite the removal of the existing harm, the proposed development would still lead to harm which is not countered by the benefits of the application.
- 12.5 The site is remote from local services and sustainable transport modes are extremely limited if not non-existent. The site is not a sustainable one for housing. A high level of car dependency, at the density proposed, would result in considerable adverse environmental impacts. The loss of employment land (currently 15 employees), and the consequential reduction in opportunities for local commuting rather than out-of-settlement commuting (which will result if housing proceeds), serves as additional environmental harm.
- 12.6 The application has not demonstrated the site is suitable for housing in the context of land contamination, contrary to paragraphs 178 and 180 of the NPPF. This, in addition to the adverse effects identified above, weighs negatively in the planning balance.
- 12.7 To be set against the adverse impacts would be the public benefit arising from the contribution towards the Council's housing stock. However, the weight placed on this public benefit is reduced because the district does not have a housing shortfall. Provision of affordable units that are remote from services and amenities offers a limited public benefit. There are also economic benefits including job creation and local economy spend. These would be tangible and satisfy the economic role of sustainable development, albeit the weight afforded to this consideration is reduced by the loss of well-established, lawful employment land. A further benefit is the removal of HGV's from rural roads, offering improved local amenity conditions. This is a public benefit weighing positively in the planning balance. Collectively the benefits are attached moderate weight.
- 12.8 Paragraph 118c of the NPPF states that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes. For the reasons above the brownfield site is not deemed 'suitable' for housing, nor is it 'within' a settlement. The proposal

does not garner any support from paragraph 118c of the NPPF and therefore does not counter the identified harm.

- 12.9 Neutral in the planning balance is the acceptability of a number of scheme elements, including highway safety (highway safety is not deemed to be *improved* by the proposed removal of HGVs from the local roads), residential amenity and biodiversity. CIL contributions will be used to ensure existing infrastructure capacity is enhanced to meet additional demand, an additional neutral factor in the planning balance.
- 12.10 Collectively all the identified adverse impacts carry substantial weight. Based on the foregoing, the adverse impacts of the proposal would significantly and demonstrably outweigh the moderate benefits which would arise from the scheme. The proposal would therefore not constitute sustainable development.

RECOMMENDATION

That the application is REFUSED planning permission for the following reasons:

1. The proposed development, remote from local services and lacking accessible sustainable transport modes, will result in a high level of car dependency for future occupants. The density and scale of the development would result in landscape harm. The identified adverse impacts outweigh the scheme's public benefits, and therefore the proposal does not constitute sustainable development, contrary to Policies FC1 and FC1_1 of the Core Strategy Focused Review 2012 and the National Planning Policy Framework 2019.
2. The proposal would also lead to the loss of employment land, with no significant benefit or alternative schemes provided, contrary to the directions of Saved Local Plan policy E4 and E6. Similarly, the area has not been shown to be one in high demand for housing such that the employment uses present on site should be replaced in line with the provisions of paragraph 121 of the NPPF.
3. While it is acknowledged that the removal of the existing buildings from the site would be read as a benefit to the setting of Sycamore Farmhouse, the replacement of these buildings would still result in harm to its setting. This harm has been identified as being less than substantial when read against the NPPF and the public benefits offered by the site are insufficient to counter this harm due to the adverse impacts arising from the location of the scheme. This runs contrary to paragraph 196 of the NPPF and to the provisions of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
4. The application fails to demonstrate that the site is suitable for housing in the context of land contamination and cannot demonstrate that the remediation of the entirety of the site would result in land that was considered suitable for residential uses. This runs contrary to the requirements of paragraphs 178 and 180 of the National Planning Policy Framework 2019 which seeks to avoid development on sites which may reasonably pose a health risk to its end user.
5. Paragraph 165 of the National Planning Policy Framework 2019 requires major developments to incorporate sustainable drainage systems, including taking advice from the lead local flood authority. The application fails to take account the advice from the lead local flood authority, contrary to paragraph 165 of the National Planning Policy Framework 2019.