

Committee Report

Item 7A

Reference: DC/18/03147

Case Officer: Alex Scott

Ward: Mendlesham.

Ward Member/s: Cllr Andrew Stringer.

RECOMMENDATION – GRANT OUTLINE PLANNING PERMISSION WITH CONDITIONS

Description of Development

Outline Planning Application (Access to be considered) - Erection of up to 28 dwellings (including 9 affordable homes), provision of public open space, and construction of new access to Old Station Road.

Location

Land off Old Station Road and Glebe Way , Mendlesham, Stowmarket, IP14 5RT

Expiry Date: 19/02/2020

Application Type: OUT - Outline Planning Application

Development Type: Major Small Scale - Dwellings

Applicant: Messrs Lummis

Agent: Mr P Cobbold

Parish: Mendlesham

Site Area: 2.254 ha.

Density of Development:

Gross Density (Total Site): 12.42 dph.

Net Density (Developed Site, excluding open space and SuDs): 15.68 dph

Details of Previous Committee / Resolutions and any member site visit: The application was previously considered by Committee on 16th October 2019 and was deferred for further consideration of development in context with the village of Mendlesham. The applicant has entered into discussion with the Parish Council and the current scheme is the result of discussions had.

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 land allocation for 15 or more dwellings and the Chief Planning Officer considers the application to be of a controversial nature having regard to the planning reasoning expressed by the Parish Council and the extent and planning substance of comments received from third parties.

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
CS01 - Settlement Hierarchy
CS05 - Mid Suffolk's Environment
CS06 - Services and Infrastructure
GP01 - Design and layout of development
HB01 - Protection of historic buildings
HB14 - Ensuring archaeological remains are not destroyed
H13 - Design and layout of housing development
H15 - Development to reflect local characteristics
H16 - Protecting existing residential amenity
H17 - Keeping residential development away from pollution
CL08 - Protecting wildlife habitats
RT04 - Amenity open space and play areas within residential development
RT12 - Footpaths and Bridleways
CL08 - Protecting wildlife habitats
Mendlesham Neighbourhood Plan

Neighbourhood Plan Status

This application site is within a Neighbourhood Plan Area.

The Neighbourhood Plan is adopted and, accordingly, is afforded significant weight.

Neighbourhood Plan policies most relevant to the application proposal are set out below:

MP1 - Housing
MP3 - Affordable Housing
MP5 - Historic Environment

MP6 - Building Design
MP7 - High Speed Broadband
MP8 - Green Areas
MP11 - Paths and Bridleways

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)

Mendlesham Parish Council – 13th Sept. 2018 – Recommend Refusal:

- 102 properties have been approved in the last three/four years;
- The Neighbourhood Plan provides for a minimum of 75 new homes from 2016 to 2031, this has already been exceeded;
- The proposal is contrary to the Neighbourhood Plan, which states that sites of 20 dwellings or less is preferred outside of the settlement boundary;
- Consolidation period required in order to improve services, using CIL monies generated from the approval of the 102 properties approved so far, to be able to meet the additional demand;
- The neighbourhood plan objectives provide for a "slow pace of growth" consider developments already approved are more than the desired slow pace and yet another building site for residents to accommodate is not reasonable;
- Consider MSDC now has a five year housing supply and this should be considered;
- Concern with regards proposed access, access road is not wide enough, and concern with regards pedestrian safety, particularly in the vicinity of the School;
- Concern that proposed development would result in increased traffic through the Village's Conservation Area;
- Principle of relief road through the site supported;
- Concern with regards flood risk implications of proposed development.

Mendlesham Parish Council – 18th Apr. 2019 – Maintain recommendation of Refusal – Whilst we note and welcome withdrawal of the previous access via Glebe Way, the comments in our previous response still apply – ask for considering the following:

- Road Infrastructure
- Pumping Station
- Elms Farm (Grade II* Listed)
- Impact on residential amenity (particularly proposed road on existing community housing)
- Impact on setting of existing public footpath and rural views
- Inadequate landscaping
- Flooding
- Utilities
- Current five year housing supply now demonstrable

Mendlesham Parish Council – 11th Dec. 2019 – Continue to unanimously recommend refusal of this application – Note deferral of application on 16th October 2019 and MNPG meeting with Applicant's Agent on 29th October 2019:

- Concern about implications of this application, any future phases of development;
- The location provides the only possible solution to mitigate against existing, as well as future, traffic volumes and types via Mendlesham Conservation Area;
- Mendlesham Villages has already exceeded the number of dwellings identified in the adopted Neighbourhood Plan;
- The proposal would compound the unacceptable traffic situation at the medieval village centre, detrimental to residents wellbeing and many listed buildings – do not agree that the proposed 28 dwellings would be inconsequential in this respect;
- Consider new infrastructure is required, particularly road improvements/traffic mitigation, before any further new development is approved;
- Mendlesham is experiencing growth in traffic from neighbouring villages, such as Bacton;
- The proposed single access for the proposal is not adequate for this application and removes an opportunity to provide mitigation for village traffic issues, particularly via the Conservation Area;
- Maintain concerns with regards impact on setting of the Grade II* listed building at Elms Farm;
- Consider proposed highway is of insufficient width for HGVs/Dustcarts.

National Consultee (Appendix 4)

The Environment Agency – 30th Aug. 2018 – Satisfied that the Flood Risk Assessment (FRA), referenced 051/2017/FRA and dated July 2018, provides the information necessary to make an informed decision.

The Environment Agency – 29th Mar. 2019 – No further comments to add to those above.

The Environment Agency – 25th Nov. 2019 – Satisfied that, although some of the site lies in Flood Zone 3, the built development has been sequentially sited within Flood Zone 1 – Comments from earlier letters remain applicable to the proposal.

Natural England – 17th Aug. 2018, 3rd Apr. 2019 and 28th Nov. 2019 – Has no comments to make on this application.

Historic England – 1st Mar. 2019 – Objection – Concerns regarding erosion of rural and isolated character of the grade II* listed farmhouse, resulting in harm to its significance through development within its setting.

Historic England – 18th Apr. 2019 – Maintain previous position (above) – Amendments have increased the amount of development towards the grade II* farmhouse – Recommend housing proposed to the immediate north of the site is deleted from the scheme in order to help reduce the level of harm to the significance of the grade II* listed building – Recommend a much denser and intense tree screen is adopted along the entire of the southern boundary of the site.

Historic England – 26th Nov. 2019 – The current proposals do not address our concerns – Refer to comments made previously (above).

Anglian Water – 1st April 2019 – No Objection:

- Anglian Water Assets are affected by the proposal;
- The site layout should take account of AW assets;
- Any sewer diversion necessary would be at the developer's cost;
- The site is within 15 metres of a sewage pumping station which requires access and cannot easily be re-located;
- Any dwelling located within 15 metres of the pumping station would place occupiers at risk of noise, odour and general disruption nuisance;
- There is capacity for the projected foul discharge within the existing sewage infrastructure;
- Further information regarding Surface Water Disposal required.

Anglian Water – 25th Nov. 2019 – Maintain above comments.

County Council Responses (Appendix 5)

SCC-Highways – 15th Aug. 2018 – Holding recommendation of Refusal – acceptable access visibility splays have not been sufficiently demonstrated – Access visibility standards provided – Advise that speed survey data may provide acceptable evidence of actual speeds, to enable a lower standard of visibility to be accepted.

SCC-Highways – 12th Sept. 2018 – Maintain Holding Refusal – Do not consider Manual for Streets standards should be applied to this application – Consider Design Manual for Roads and Bridges standards should be applied – Evidence of 85thtile vehicle speeds lower than 30mph required to make proposed visibility splays acceptable.

SCC-Highways – 17th Apr. 2019 – No Objection subject to compliance with suggested conditions – Consider additional information received has overcome previous holding objections.

SCC-Local Lead Flood Authority – 14th Aug. 2018 - Holding objection at this time:

Whilst the FRA element is acceptable, the drainage strategy proposed solution has not been suitably assessed in line with national and local policy/guidance.

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

1. Submit infiltration test results for the site
 - a. If infiltration is shown not be viable, the applicant should provide a route map of from the proposed discharge point to a mapped OS watercourse.
2. Submit a revised indicative surface water drainage plan utilising an above ground Suds system
 - a. NPPF July 2018 para 165, states that "Major development should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate"
 - b. NPPF July 2018 para 165 (d) states that where possible, provide multifunctional benefits
3. Submit a revised indicative surface water drainage plan showing that the attenuation basins are not within fluvial flood one 3.

SCC-Local Lead Flood Authority – 2nd Apr. 2019 – Holding Objection (above) still applies: no further information has been received.

SCC-Local Lead Flood Authority – 28th Nov. 2019 – Maintaining holding objection – See previous consultation reply.

SCC-Archaeology – 20th Aug. 2018 – There are no grounds to consider refusal of permission to achieve preservation in situ of any important heritage assets. However, in accordance with the NPPF, any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.

SCC-Archaeology – 1st Apr. 2019 – Previous recommendation (above) stands.

SCC-Archaeology – 6th Dec. 2019 – Previous advice still (above) stands.

SCC-Suffolk Fire and Rescue Service – 24th Aug. 2018 – Recommend that fire hydrants be installed within the proposed development - requirement will be determined at water planning stage.

Recommend that consideration be given to the provision of an automatic fire sprinkler system.

SCC-Development Contributions – 13th Aug. 2018 – List of infrastructure requirements and expected bids for CIL monies, as a result of the development provided.

SCC-Development Contributions – 3rd Apr. 2019 – School transport contribution - 5 secondary-age pupils are forecast to arise from the proposed development. Developer contributions are sought to fund school transport provision for a minimum of five years for secondary-age pupils. Annual school transport cost per pupil is £960. Therefore, contribution is £960 x 5 pupils x 5 years = £24,000, increased by the RPI.

SCC-Development Contributions – 22nd Nov. 2019 – Previous responses still applicable – changes re: DfE scorecard re: education CIL bid confirmed.

Suffolk Wildlife Trust – 23rd Aug. 2018 - Concern that the required highways visibility splays would result in the removal of the hedgerow along the western edge of the site. Consider the proposed hedgerow removal should be carried out outside of the bird breeding season. Loss of habitat should also be replaced to that equal or greater than what is proposed to be removed elsewhere on the site.

The existing pond on the adjacent property at Elms Farm should also be protected during construction, should permission be granted.

Ecological enhancements should be secured, in accordance with paragraph 118 of the NPPF.

Suffolk Wildlife Trust – 18th Apr. 2019 – Maintain above comments.

Internal Consultee Responses (Appendix 6)

MSDC – Heritage 13th Aug. 2018 – Do not wish to make comment.

MSDC – Heritage 12th Dec. 2019 – Proposal has the potential to cause a medium to high level of less than substantial harm to Elms Farmhouse as the proposal would erode a key part of its rural setting – Proposal has the potential to cause less than substantial harm to Mendlesham Conservation Area, as it would result in increased noise and vibration associated with increased traffic levels – When the Heritage

Team were originally consulted on this application in 2018, it was mistakenly overlooked and therefore, no comment were provided – Recommend that consideration is given to removing the western portion of the development from the application and relocating the site access.

MSDC – Strategic Planning – 23rd Aug. 2018 – Proposal is contrary to the policy MP1 of the Mendlesham Neighbourhood Plan in that it exceeds the preferred maximum size of 20 dwellings for sites adjacent to the settlement boundary - the adopted Neighbourhood Plan does not allocate housing sites for development - In accordance with the Ministerial Statement dated 12 December 2016, the application should be considered on the basis of the five-year housing land supply position - The latest figures for Mid-Suffolk published in July 2018 indicate that the District has a 6.5 years land supply for housing.

MSDC - Environmental Health - Land Contamination – 31st Aug. 2018 – No objection subject to a condition being attached to any planning permission requiring a strategy and investigation of any contamination present on the site, reporting of findings, remediation scheme, and remediation work in accordance with the approved scheme.

MSDC - Environmental Health - Land Contamination – 1st Apr. & 28th Nov. 2019 – Nothing submitted amends previous recommendation (above).

MSDC - Environmental Health - Noise/Odour/Light/Smoke – 21st Aug. 2018 – No objection subject to Construction Environmental Management Plan condition.

MSDC - Environmental Health - Noise/Odour/Light/Smoke – 21st Aug. 2018 & 29th Nov. 2019 – No further observations or comments to make in addition to those above – Request same items are conditioned.

MSDC - Environmental Health - Air Quality – 28th Aug. 2018 - No objection - The likelihood of a development of this scale adversely impacting on the existing good air quality is low.

MSDC - Environmental Health - Air Quality – 18th Apr. & 28th Nov. 2019 – No additional comments to those made above.

MSDC - Environmental Health - Sustainability Issues – 19th Sept. 2018 – It is acknowledged that the application is for outline permission but this council is keen to encourage consideration of sustainability issues at an early stage so that the most environmentally friendly buildings are constructed and the inclusion of sustainable techniques, materials, technology etc can be incorporated into the scheme without compromising the overall viability.

MSDC - Environmental Health - Sustainability Issues – 16th Apr. & 11th Dec. 2019 – Previous comments made still stand.

MSDC-Public Realm – 18th Apr. 2019 – No specific comments to make at this stage due to the level of information provided with this application – The open space provision is adequate for a development of this size and we will make more detailed comments once detailed information becomes available – Advise a local solution to the future management of the open space would be expected due to it largely serving the residents of the proposed new development.

MSDC-Public Realm – 27th Nov. 2019 – No additional comments to make.

MSDC – Strategic Housing – 3rd Sept. 2018 – This is an open market development and based on 28 units should offer 9 affordable housing units = 35% policy compliant position.

The following affordable housing mix is recommended:

Affordable Rent:

- o 3 x 1b x 2p bungalow @ 50sqm
- o 2 x 2b x 4p houses @ 79sqm
- o 1 x 3b x 6p houses @ 102sqm

Shared Ownership:

- o 1 x 2b x 4p house @ 79sqm
- o 1 x 3b x 5p house @ 93sqm

MSDC – Strategic Housing – 11th Apr. 2019 – In addition to above comments: would like to add that the scheme housing mix should also have regard to the policies identified in the Mendlesham Neighbourhood plan.

MSDC – Strategic Housing – 9th Dec. 2019 – No further comments to make.

B: Representations

Views are summarised below:-

29 letters of representation have been received from third parties during the course of determination. Comments received are summarised below:

- Contrary to the adopted Mendlesham Neighbourhood Plan
- The Development is outside the village settlement boundary.
- Community facilities (health centre, school) are already oversubscribed.
- Glebe Way construction traffic is inappropriate
- Spoil countryside view
- Create noise pollution
- Loss of light in properties
- Property devaluation
- Cats will suffer
- Surface water drainage issues
- Construction related noise, nuisance, dust and debris
- Recent public transport links have been cut
- Increase light pollution
- Reduce fauna and flora, having a negative impact upon the local ecosystems
- Prime agricultural land would be lost.
- Note site is listed in SHELAA
- Note comments of Parish Council, that the proposal is contrary to the Neighbourhood Plan
- Note Historic England's comments relating to impact on local character and the setting of the grade II* listed farmhouse at Elm Farm.

(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: 0196/94

**ERECTION OF 16 NO. DWELLINGS FOR
SOCIAL HOUSING,LAYOUT OF ACCESS**

DECISION: GTD
13.01.1997

ROAD,PROVISION OF CAR PARKING
SPACES,LANDSCAPING, FENCING &
PROVISION OF FOUL AND SURFACE
WATER OFF-SITE SEWERS

PART THREE – ASSESSMENT OF APPLICATION

1. The Site and Surroundings

- 1.1. The application site comprises two plots of agricultural land located at the southern periphery of the village of Mendlesham, a designated 'Key Service Centre' in the Core Strategy 2008. The land is in arable use and the plots are located either side of the mid 1990's extension to Glebe Way housing development of 16 dwellings, which projects beyond the village's prevailing southern edge. The western plot has frontage to Old Station Road. A pumping station is adjacent to the north-eastern corner of the eastern plot, fronting Oak Farm Lane.
- 1.2. The site's northern boundary comprises the village settlement boundary. Land to the north comprises conventional residential development, with two storey dwellings prevalent. To the south is arable land that comprises the field that the site forms a part of. The frontage to Old Station Road faces towards the former G & R Warehousing site which is currently being developed for residential purposes. To the south-west of the site is Elm Farm which includes a Grade II* listed farmhouse and a range of agricultural buildings. The site is separated from Elm Farm by existing trees.
- 1.3. The site lies approximately 120 metres to the south of the Mendlesham Conservation Area.
- 1.4. The site does not lie within, or within proximity to, a Special Landscape Area, and the land is lesser quality grade 3 agricultural land. There are also no trees or hedgerows protected by Tree Preservation Orders (TPOs) within or in close proximity of the proposal site.
- 1.5. The majority of the site is in Flood Zone 1, with the easternmost portion of the site affected by Flood Zone 2 and 3.
- 1.6. The nearest bus stop is located north of the site, at the junction of Old Station Road and Cuttings Close (services 113 and 456) opposite Mendlesham Primary School.

2. The Proposal

- 2.1. This is an outline planning application with all matters reserved except access, for up to 28 dwellings and creation of public open space at the eastern end of the site. Proposed vehicular access is from Old Station Road, with an internal road serving the eastern portion of the site by wrapping around the southern side of dwellings fronting Glebe Way. The indicative layout has been revised several times from that originally submitted. The first significant revision related to the proposed access arrangements. The original layout proposed two separate vehicle accesses, one from Old Station Road and the other off Glebe Way. The latter access was omitted, resulting in the addition of a long estate road wrapping around the south of the existing Glebe Way Estate. The second significant change to the indicative layout was made in response to negotiations with the Parish Council and moved the proposed access road further away from existing dwellings on the Glebe Way estate, and moved proposed dwellings further away from the pumping station to the east of the site, in response to comments received from Anglian Water.

- 2.2. Although matters of appearance, landscaping, layout and scale are not formally submitted for determination, the submitted indicative layout (revision 01C) shows how development could be taken forward. The indicative layout suggests the provision of nine affordable dwellings (35%), with dwellings comprising, in the main, detached and semi-detached housing types, and public open space at the eastern end of the site.
- 2.3. The proposed development area (excluding Public Open Space, SUDs and the Estate Road Link) totals 1.4 hectares approximately (0.39 hectares in the western portion, and 1.32 hectares in the eastern portion, of the site).

3. The Principle Of Development

- 3.1. The starting point for determination of any planning application 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).
- 3.2. The proposal site is outside of the settlement boundary for Mendlesham and is considered to be formally defined as greenfield land. Relevant local plan policies are policy H7 which seeks to restrict housing development unrelated to the needs of the countryside, and core strategy policy CS1 which identifies a settlement hierarchy and CS2 which also seeks to resist development in the countryside other than those listed in the policy. The NPPF has changed direction since these policies were adopted as detailed further below, so as to affect the weight of these policies in determining this application.
- 3.3. The Core Strategy Focused Review (2012) identified this change in line with the National Planning Policy Framework. Reflecting this policies FC1 – Presumption in favour of sustainable development and FC1.1 – Mid Suffolk approach to delivering sustainable development identify a more positive approach to proposed development.
- 3.4. It should be noted however that policy FC2 – Provision and distribution of housing seeks to identify the number of dwellings in Key Service Centres that should come forward on greenfield sites, 100 between 2017 to 2022 and 200 from 2022 to 2027.
- 3.5. The NPPF identifies in paragraph 213 that the weight attributed to policies should be according to their degree of consistency with the NPPF. The closer the aims of the policy are to the NPPF the greater the weight that can be attributed to them.
- 3.6. The NPPF also identifies that planning decisions should apply the presumption in favour of sustainable development (paragraph 11): “For decision-taking this means: c) approving development proposals that accord with an up-to-date development plan without delay; or d) 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.”
- 3.7. Footnote 7 of the NPPF identifies out-of-date includes the situation where the local planning authority cannot demonstrate a five year supply of deliverable housing sites or where the Housing

Delivery Test indicates that the delivery of housing was less than 75% of the housing requirement over the previous three years. In this instance it is considered that the Council is able to demonstrate a five year housing land supply, as set out in the Council's Housing Land Supply Position Statement, and Joint Annual Monitoring Report, both published in September 2019.

- 3.8. Notwithstanding the Council's current housing land supply position, the development plan policies most important for determining the application (policies: H7, CS1, CS2 and FC2) are considered to be out-of-date as a result of not being consistent with the aims of the NPPF and, therefore, are accorded significantly less weight than they would have been prior to the publication of the NPPF. This position was identified in the appeal decision for appeal APP/W3520/W/18/3194926 at land at east side of Green Road, Woolpit (September 2018) which is a material consideration. Policy FC1 of the Core Strategy Focused Review repeated the requirements of the former paragraph 14 of the NPPF (2012), which is replaced now with paragraph 11 (NPPF 2019) which is the more relevant consideration, and so this policy is given less weight. Policy FC1.1 seeking to conserve and enhance the local character of different parts of the district, is up-to-date and relevant to this application. These two policies seek to promote the principles of sustainable development.
- 3.9. The presumption in favour of sustainable development should apply in this instance given the above considerations, except for the provisions of paragraph 177 of the NPPF.
- 3.10. It cannot be ignored that the policies most important for determining the application do not accord with the NPPF. Therefore less weight will still be given to these policies as identified above. Whilst tension with the development plan exists and is noted, that tension is considered to be less significant as a consequence, in light of the lesser weight afforded to the most important development plan policies relevant to this application where they are not consistent with the NPPF.
- 3.11. Therefore an assessment against the development plan is made, considering the material consideration of the NPPF and the purpose of the planning system to contribute to the achievement of sustainable development.
- 3.12. The development plan and NPPF share the same approach of contributing to the achievement of sustainable development.
- 3.13. There are three overarching objectives to achieve sustainable development, which are interdependent and need to be pursued as a whole so that opportunities can be taken to secure net gains across different objectives. These objectives are social, environmental and economic. The merits of the scheme against these objectives and the up-to-date requirements of the development plan are considered below, and a conclusion will be drawn as to whether the development is considered to contribute to the achievement of sustainable development.
- 3.14. In addition to the NPPF sustainability balancing exercise referred to above, the proposed development is considered to lie within the settlement pattern and character of an existing Key Service Centre settlement, bounded by existing housing developments to the south-east and south-west, and not to be overly intrusive into open countryside. The proposed dwelling is not, therefore, considered to be isolated, as per the meaning in paragraph 79 of the NPPF.
- 3.15. It is noted that the eastern portion of the proposal site is included within the emerging Join Local Plan as a potential housing land allocation (Ref: LA073) for approximately 25 dwellings. However, your officers advise that no significant weight can presently be attributed to this document, which is still at consultation stage.

- 3.16. The subject land does, however, comprise site Ref: SS0065 allocated in the in the Draft Strategic Housing and Employment Land Availability Assessment (SHELAA) (August 2017). In respect to development suitability the Draft SHELAA states: 'The site is potentially considered suitable for residential development, taking identified constraints into consideration. Part development along northern aspect is recommended. Estimated new net site area: 1 ha'. The estimated yield recommended in the Draft SHELAA (August 2017) is 25 dwellings. It is considered that this technical study can be attributed due weight in consideration of this planning application, as part of the Council's on-going development plan evidence base.
- 3.17. Mendlesham Neighbourhood Plan Policy MP1 states that development proposals immediately adjacent to the existing Mendlesham village boundary, to develop small sites of sustainable new homes, will be supported subject to the meeting of relevant planning policies. It goes on to state (officer emphasis): 'The local community prefers small sites to provide 20 dwellings or less. Each proposal will be judged on its merits.'
- 3.18. It is clear that the MNP contemplates new residential development outside the village provided it adjoins the settlement boundary. The proposal complies in this regard. The NP expresses a 'preference' for small sites accommodating 20 dwellings or less. It is not an outright requirement, such a policy would be overly prescriptive and would fail the tests of good plan making. Your officers do not agree with representations received contending submitters who contend that Policy MP1 states that only small scale developments of up to 20 dwellings will be supported outside the village boundary. Policy MP1 is not drafted in this manner. For the reasons set out in this report, the merits of the application are such that the departure from the stated MNP 'preference' is considered justified in this instance.

4. Nearby Services and Connections Assessment Of Proposal

- 4.1. The site is located outside any settlement boundary currently defined in the development plan, however it is considered that the site lies within the settlement pattern of a sustainable Key Service Centre Village and is within reasonable walking distance of Village services and facilities, which the proposed development would in turn support.
- 4.2. The site is also considered to be within walking distance of Village Bus Stops, with reasonable service connections to Eye and Ipswich higher order settlements.
- 4.3. The proposal is, therefore, considered to represent sustainable development in relation to connections to services, facilities and employment.

5. Site Access, Parking And Highway Safety Considerations

- 5.1. Access is the only matter sought for approval. Saved 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. Its safety focus is also consistent with paragraph 108 of the NPPF which requires development proposals, incorporate safe and suitable access that can be achieved for all users. Saved Policy T10 is therefore attached substantial 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 Highways Authority does not object to the revised scheme. The supporting plans demonstrate that the required visibility splays at Old Station Road can be achieved. Officers recognise that vehicular activity in the village will increase, however there is no substantiated evidence to demonstrate how that would adversely affect the scale or function of the village. The proposal accords with saved Policy T10 and paragraph 108 of the NPPF.
- 5.4. Given the advice of the Highways Authority, the substantial weight that is attached to it, coupled with an absence of substantiated evidence demonstrating how the likely traffic increase will impact the function of the village, a reason for refusal based on highway safety grounds is not sustainable.
- 5.5. The internal layout of the site is currently indicative only, and the opportunity would exist at the reserved matters stage to assess how the final design performs in respect to the quantum of parking spaces, turning areas, road and footway layout. Performance against the Suffolk Adopted Parking Standards (2015) is a matter for the detailed design stage.

6. Design, Layout and Landscape Impact

- 6.1. Matters of Layout, Design and Landscaping are presently reserved and further consideration would be required at a reserved matters stage, should members be minded to grant Outline Permission.
- 6.2. In considering the principle of the proposed development in relation to such matters 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.
- 6.3. 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.
- 6.4. The site does not lie within or in any proximity to a landscape protected by an SLA or AONB designation. The site is open owing to its undeveloped agricultural nature. A key visual element of the immediate landscape is the late 1990's Glebe Way projection which extends south of the village boundary. This projection is particularly prominent, intruding into the countryside beyond the village's principal southern building line. Although the projection features some planting on its western and southern sides, it does not assimilate well with the open countryside, most notably because of its prominent two storey built form. It appears as an ad hoc development. The projection weakens the settlement edge in visual terms, lacking visual integration and cohesion with the village.
- 6.5. Developments of the scale proposed inevitably lead to a significant landscape change. There will be an urbanising effect and loss of rural character, this is inevitable when developing open countryside. However, a considerable landscape benefit arising from the development would be the 'rounding off' of the awkward housing development projection referred above. The proposed development would infill around the existing projection, reducing the existing visual impact of this

isolated intrusion into the countryside. The resulting effect is a new southern village boundary that is far more legible than the current settlement edge.

- 6.6 The site is framed to the west by the recent residential redevelopment of the former G & R Warehousing site. The western part of the site fronting Old Station Road benefits from very good visual containment, framed by vegetation fronting the road and built form to the north, east and south. The western plot will, as a result, have only a very localised landscape impact. The backdrop of the village limits the landscape harm of the eastern plot, including when viewed from the two low significance viewpoints as identified in the Neighbourhood Plan (figure 6.7).
- 6.7. Policy MP10 of the Neighbourhood Plan requires the protection of visually important open spaces within or abutting settlement boundaries. This is consistent with Local Plan Policy SB3 which seeks to retain visually important open spaces because of their contribution to the character and appearance of their surroundings.
- 6.8. The Neighbourhood Plan Proposals Map (fig 2.2) identifies the visually important spaces that the plan seeks to protect. Also of relevance is the Supporting document SD19 (Landscape and Visual Assessment of Mendlesham) to the neighbourhood plan which also identifies the visually important open spaces. The proposal site is not in or near a visually important open space as identified on either the Proposals Map or Supporting document SD19.
- 6.9. The appearance of the development would depend to a large extent on matters yet to be determined through approval of the reserved matters. However, the proposed indicative layout shows a general approach to the development that is acceptable. Landscaping, including retention of most existing trees, shrubs and hedges on the site, will play a critical part and will need to be very carefully considered at the landscaping reserved matter stage of the development process.
- 6.10. Whenever a development creates a new village edge careful attention, naturally, must be paid to the design treatment at the newly created edge. Significant landscaping at the southern boundary is warranted and this is most appropriately managed at the landscaping reserved matters stage of the development process. There will certainly need to be significantly more planting incorporated than that shown on the indicative layout plan.
- 6.11. As noted above, the Neighbourhood Plan expresses a preference for small scale development outside of the existing settlement boundary of up to 20 dwellings. The application seeks up to 28 dwellings. The current proposal for 28 dwellings (8 dwellings more than the preference identified) is not considered to result in significant additional harm over and above the impacts that would result for a proposal for 20 dwellings. The proposed development for 28 dwellings would generate the delivery of 2 no. additional affordable housing units, when compared to a proposal for 20 dwellings. This significant social benefit is considered to outweigh any slight negative environmental impacts associated in respect of 8 no. additional dwellings proposed. The proposed 8 no. additional dwellings, above the desired threshold set in the neighbourhood plan, is therefore considered to be justified in this instance.
- 6.12. The subject land is Grade 3 agricultural land. The site is small in comparison to the large swathe of agricultural land around Mendlesham. The proposal does not involve a significant loss of the best and most versatile agricultural land. It must also be noted that neither local policy nor the NPPF indicate that permission should necessarily be refused where there is a loss of high quality agricultural land. The development plan looks at sustainability considerations and the NPPF, at paragraph 170(b), requires that account be taken of the economic and other benefits that best and most versatile agricultural land makes. The loss of agricultural land must therefore be

considered as part of the overall planning balance exercise. In doing that, only limited weight is attached to the loss because of the relatively small area that is affected.

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

- 7.1. 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.
- 7.2. The nearest designated heritage asset is the Grade II* listed building known as the Elm Farmhouse, located south of the site fronting Old Station Road. The Elm Farmhouse forms part of Elm Farm and clearly retains its agricultural setting. It is noted that your Heritage Officers and Historic England object to the proposal on the grounds of the impact on the significance of the heritage asset. Your heritage consultees seek revisions to the existing indicative layout, and the deletion of dwellings from the western portion of the site. Your heritage consultees also consider that the revised road layout, bringing the proposed access and estate road highway nearer to the Elm Farmhouse, serves to only increase the harm to the designated heritage asset.
- 7.3. Your planning officers share the view of your heritage consultants in that the indicative layout as submitted is considered to be overly erosive to the rural character of Elm Farmhouse due to the proximity of dwellings indicated in the western portion of the site (between Old Station Road and the existing Glebe Way estate). Your officers agree that the urbanising effect on the rural setting of the heritage asset is avoidable, however it is not considered that development of the western portion of the site should be prevented in its entirety, and it is considered that there is scope to provide some housing in this area, subject to sensitive siting, design and landscaping. The physical relationship of the proposed built form to Old Station Road and the Elm farmhouse must be considered further. The way in which the western plot is laid out requires a review from first principles. The 'denser and intense tree screen' as called for by Historic England will be a pre-requisite. This is design detail that is beyond the scope of this outline application. Should outline permission be granted, it will be essential that the final layout, design and landscaping of development (particularly in the western portion of the site) at reserved matters stage is carefully considered, with the impact on the significance of the heritage assets being a key consideration.
- 7.4. It is considered that a detailed layout, at reserved matters stage, will provide some opportunity to set the proposed built development (dwellings and the access highway) further away from Elm Farmhouse, with the imposition of additional intervening soft landscaping planting along the road's southern boundary, which would also have ecology benefits.
- 7.5. Your Officers consider the proposal would result in a level of heritage harm deemed less than substantial. Paragraph 196 of the NPPF states that where harm is less than substantial, the harm must be weighed against the public benefits of the proposal. The principal public benefits relate to economic and social dimensions of sustainable development. These must all be weighed, together with the identified heritage harm, in the planning balance.
- 7.6. SCC-Archaeological Service notes the site lies in an area of archaeological potential, near various finds of Roman Pottery and Metalwork, and there is high potential for the discovery of below-ground heritage assets of archaeological importance within the area. SCC-Archaeological Service notes there are no grounds to consider refusal of permission and it recommends standard planning conditions. Officers concur with the recommended approach.

8. Impact On Residential Amenity

- 8.1. 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.
- 8.2. There is nothing in the application that suggests residential amenity cannot be adequately managed at the appropriate reserved matters stage of the development process. Anglian Water's required setback from their pumping station is readily achievable.
- 8.3. Representations received from Glebe Way residents raise concern with regards the loss of countryside outlook to the south. Whilst it is not disputed that the proposed development would result in a change in the outlook from the rear of Glebe Way properties, a proposal's impact on private views does not in itself constitute a material reason for refusal, neither does the effect of the proposed development on existing property values. The depth of rear gardens of the affected existing Glebe Way properties is considered sufficiently deep to ensure that the proposed development would not significantly dominate these properties and result in significant harm to the spatial amenities currently enjoyed by these properties.
- 8.4. It is acknowledged that the applicant has taken measures to reduce the potential impact of the development on neighbouring properties in the latest revised indicative layout (Revision C) by moving the indicative location of the estate road further away from the existing neighbouring dwellings.

9. Flood Risk and Drainage

- 9.1. The majority of the site lies within Environment Agency (EA) Flood Zone 1, with the easternmost portion of the site affected by EA Flood Zones 2 and 3. These latter areas are set aside as public open space, therefore the proposed built developable area of the site is limited to EA Flood Zone 1 land. This element of the scheme is deemed site responsive. The application is supported by a Flood Risk Assessment. SCC raises a holding objection and requires further information. Your officers consider the additional information requirements can be readily managed at the reserved matters stage of the regulatory process or by planning conditions, in consultation with the SCC Flood and Water Management Team, as per standard industry approach.
- 9.2. Noteworthy is the absence of an objection from the Environment Agency, to which considerable weight is attached.

10. Ecology and Biodiversity

- 10.1. Policy CS5 of the Core Strategy requires development to protect, manage and enhance Mid Suffolk's biodiversity. Wildlife and Countryside Act (1981 (as amended) and the Conservation of Habitats and Species Regulations (2017) (as amended) require all 'competent authorities' (public bodies) to 'have regard to the Habitats Directive in the exercise of its functions.' For a Local Planning Authority to comply with the regulations it must 'engage' with the provisions of the Habitats Directive.
- 10.2. The application is not supported by an ecology report. This is not fatal to the application given the arable land use history of the site and absence of vegetation. Ecological enhancements can be

secured by planning condition. Compared to agricultural use of the land, there will be a net gain to biodiversity which would be a benefit of the scheme.

- 10.3. It is noted that proposed dwellings in the western portion of the site lie adjacent to an existing pond, located between the application site and the listed Elm Farmhouse. The potential impact of the development on this ecologically sensitive area, therefore, presents another reason to provide a greater green buffer within this area and increased soft landscaping, with resultant ecology benefits.

11. Land Contamination

- 11.1. The applicant has submitted a sufficiently detailed land contamination assessment with the application which has been assessed and accepted in principle by your Environmental Protection Officers.
- 11.2. Subject to further intrusive investigation, and any remediation necessary, secured by way of condition, future occupants would unlikely be at significant risk from sources of land contamination.

12. Planning Obligations / CIL (delete if not applicable)

- 12.1. The application is liable to CIL which would be managed through the standard independent CIL process triggered at the reserved matters stage.
- 12.2. As noted above, the application, if approved, would require the completion of a S106 agreement to secure affordable housing, school transportation costs and a management plan for the public open space areas.

PART FOUR – CONCLUSION

13. Planning Balance and Conclusion

- 13.1. Council benefits from a five year housing supply. The tilted balance at paragraph 11(d) of the NPPF is not engaged.
- 13.2. The site is outside the settlement boundary and therefore the proposal conflicts with CS1, CS2 and H7. 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 to be attached to the above policies is reduced and therefore the conflict is afforded limited weight in the planning balance. Noteworthy is the adopted MNP, the most recent of the relevant development plan policies, which anticipates development outside the village boundary (provided it adjoins the boundary). It is acknowledged that the MNP prefers small scale developments of up to 20 dwellings at the boundary, however the proposed departure from this preference in this instance will not result in severe adverse planning outcomes.
- 13.3. Development of the site for residential purposes is consistent with the recommendations of the Draft SHELAA (August 2017). The proposed quantum of dwellings generally accords with the estimated quantum specified in the draft SHELAA.

- 13.4 Affordable housing provision is a social benefit, as is the 28 dwelling contribution to the local housing stock, albeit these considerations are attached less than moderate weight given Council's positive housing supply position. The addition of up to 28 new dwellings would offer meaningful support for the local services in the village, both during construction and following occupation of the development. The public open space offers a positive social and environmental value, although this too is attached relatively limited weight given the settlement's existing open space provision.
- 13.5 The site is a sustainable location and the development will create a walkable neighbourhood, with excellent pedestrian connections to village amenities and bus stops. Car dependency will be low, limiting environmental harm. The proposal would not be physically, visually or functionally isolated. Paragraph 79 of the NPPF does not engage.
- 13.6 The proposed access arrangement is a safe one, with the required visibility splays achievable. There will be a limited loss of frontage vegetation required to secure the splays. Biodiversity gains can be secured by condition.
- 13.7 CIL contributions will be used to ensure existing infrastructure capacity is enhanced to meet additional demand, a neutral outcome in the planning balance. Matters such as archaeology and drainage can be resolved or mitigated to an acceptable level by planning conditions.
- 13.8 There is potential for heritage harm in respect to the listed setting of the Elm Farmhouse, however this can be appropriately mitigated by way of agreed layout, design and landscaping at reserved matters stage. It is important to note that this may mean a reduction in development yield, a compromise that may be required in order to achieve a respectful design response in heritage terms. There will be no effect on the town's historic core. There will be landscape harm however it will be relatively localised. A more legible village edge will result, potentially a landscape benefit. The level of harm is deemed less than moderate. Design detail, and performance against relevant development plan policies, including the MNP, will be a focus for subsequent reserved matters applications. The loss of productive agricultural land is unfortunate but is of such relatively small scale (in the context of the quantum of BMV land in the district) that it is attached only very modest weight.
- 13.9 There is some conflict with the development plan. However when account is taken of the weight that can be ascribed to many of the relevant policies in the development plan in light of their consistency with the NPPF, officers are satisfied that the adverse impacts of the development would not significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken in the round. On balance, the scheme comprises sustainable development and thus benefits from the presumption in favour of such as set out in the NPPF.
- 13.10 Your officers have taken full and careful account of all the representations that have been made, which have been balanced against the provisions of the development plan and the National Planning Policy Framework. For the reasons set out above, the evidence is such that it is recommended that outline planning permission be issued.

RECOMMENDATION

(1) Subject to the prior agreement of a Section 106 Planning Obligation on appropriate terms to the satisfaction of the Chief Planning Officer to secure:

- Onsite delivery of 35% Affordable housing
- A financial contribution towards School Transport
- Provision, management and maintenance of Public Open Space

(2) That the Chief Planning Officer be authorised to Grant Outline Planning Permission upon completion of the legal agreement subject to conditions as summarised below and those as may be deemed necessary by the Chief Planning Officer:

- List of approved plans and documents.
- Standard time limit – Outline.
- Submission of reserved matters.
- Surface Water Drainage and SUDs conditions, as recommended by LLFA.
- Those required by SCC-Local Highway Authority.
- Ecological measures to be secured, as per recommendations of SWT (Including Hedgehog Fencing).
- Hedgerow removal outside of bird breeding season (March to August inclusive).
- Sustainability and Renewable Energy measures to be agreed.
- Archaeological investigation and recording prior to commencement.
- Land Contamination investigation strategy and remediation required prior to commencement.
- Fire hydrant implementation prior to occupation.
- Construction Management Plan to be agreed prior to commencement and implemented during construction.
- CIL Phasing Plan.
- Anglian Water infrastructure to be incorporated within final layout.

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

- Pro active working statement
- SCC Highways notes
- Support for sustainable development principles
- Contaminated Land Note
- Ecology / Biodiversity Note

(4) That in the event of the Planning obligations or requirements referred to in Resolution (1) above not being secured and/or not secured within 6 months that the Chief Planning Officer be authorised to refuse the application on appropriate grounds.