

## **Committee Report**

**Item 8D**

**Reference:** DC/18/02633

**Case Officer:** Daniel Cameron

**Ward:** Stradbroke & Laxfield.

**Ward Member/s:** Cllr Julie Flatman.

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## **RECOMMENDATION – GRANT OUTLINE PLANNING PERMISSION**

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### **Description of Development**

Outline Planning Application (appearance, landscaping, layout and scale reserved) - Erection of up to 3 No. dwellings including access.

### **Location**

Land at Bickers Hill, Laxfield, IP13 8EZ,

**Expiry Date:** 30/03/2020

**Application Type:** OUT - Outline Planning Application

**Development Type:** Minor Dwellings

**Applicant:** Mr And Mrs J Rose G Matthews

**Agent:** Hollins Architects Surveyors and Planning Consultants

**Parish:** Laxfield

**Site Area:** 0.31 ha

**Density of Development:** 9.6 units per ha

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

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

**Has the application been subject to Pre-Application Advice:** Yes. Advice given under reference 3867/16.

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## **PART ONE – REASON FOR REFERENCE TO COMMITTEE**

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The application is referred to committee for the following reason:

The ward member has requested the application be called in due to the number of local objections to the application and due to the impact of the proposed development on a County Wildlife Site – Mobbs Meadow.

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## **PART TWO – POLICIES AND CONSULTATION SUMMARY**

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## **Summary of Policies**

### National Planning Policies

NPPF - National Planning Policy Framework (2019)  
NPPG-National Planning Policy Guidance

### Mid Suffolk Core Strategy Focussed Review (2012)

FC01 - Presumption in Favour of Sustainable Development  
FC01\_1 - Mid Suffolk Approach to Delivering Sustainable Development  
FC02 - Provision and Distribution of Housing

### Mid Suffolk 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

### Mid Suffolk Local Plan (1998)

GP01 - Design and layout of development  
HB01 - Protection of historic buildings  
HB08 - Safeguarding the character of conservation areas  
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  
CL09 - Recognised wildlife areas

## **Neighbourhood Plan Status**

This application site is within Laxfield Neighbourhood Plan Area.

The Neighbourhood Plan is currently at:

Stage 3: Pre-submission publicity and consultation

Accordingly, the Neighbourhood Plan has limited material weight, although the following policies of the Neighbourhood Plan are considered relevant:

LAX 1 – Spatial Strategy  
LAX 2 – Housing Development  
LAX 7 – Measures for New Housing Development  
LAX 9 – Heritage Assets  
LAX 10 – Dark Skies  
LAX 11 – Design Considerations  
LAX 12 – Sustainable Construction Practices  
LAX 14 – Biodiversity  
LAX 17 – Open Space, Sports and Recreation Facilities  
LAX 20 – Public Rights of Way

## **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)**

##### **Laxfield Parish Clerk**

Laxfield Parish Council objects to this application for the following reasons:

Visual intrusion: The view from Laxfield's Conservation Area would be seriously compromised.

Pedestrian safety: The access to Hill Farm Road is off a narrow section of Bickers Hill Road where there is no footpath.

Overdevelopment: The council's own annual monitoring report identifies land further up Bickers Hill for development and permission has been granted for 10 properties. Any more would be dangerous as well as damaging to a quiet area of the village.

Environment: The land is a designated County Wildlife Site.

Access: The required visibility splays would destroy the hedgerows. Even then the positioning on the brow of a hill would make access dangerous.

Village opposition: District councillor objection: Cllr Julie Flatman is asking for a site visit and is minded to call in the application to planning committee. Six members of the public attended the planning committee meeting to voice their objections.

#### **National Consultee (Appendix 4)**

##### **Historic England**

The previous scheme proposed five dwellings positioned in a cul-de-sac arrangement with one house and a double garage facing Bickers Hill and another house angled on the corner partly facing the Bickers Hill. We considered this layout at odds to the existing linear development of Laxfield and thus to be harmful to the historic significance of the conservation area. The amended scheme now proposes three dwellings addressing Bickers Hill which are only one plot deep. This follows the settlement pattern of Laxfield and is more in keeping with the character of the conservation area.

Historic England has no objection to the application on heritage grounds to the proposed amended linear layout of the three new dwellings. We consider that the application meets the requirements of the NPPF, in particular paragraph number 192, 193, 194 and 196.

##### **Natural England**

No objection.

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected sites and landscapes.

#### **County Council Responses (Appendix 5)**

## **SCC - Highways**

Notice is hereby given that the County Council as Highway Authority recommends that any permission which that Planning Authority may give should include the conditions shown below:

- Requirement to maintain necessary visibility splays to the access;
- Access to be laid out in accordance with highways standards;
- Road providing connection to the public highway to meet highways standards; and
- Occupation of the site to not commence until such time as the parking shown within the site is provided for the use of the occupants.

## **Internal Consultee Responses (Appendix 6)**

### **Environmental Health - Land Contamination**

Having reviewed the application and the supporting Phase I investigation by Goldfinch Environmental I can confirm that the risks posed by the former use of the site are acceptable and as such I have no objection to the proposed development from the perspective of land contamination. I would only request that we are contacted in the event of unexpected ground conditions being encountered during construction and that the developer is made aware that the responsibility for the safe development of the site lies with them.

### **Heritage Team**

The text below represent the final comments of the Heritage Team received following the reduction of unit numbers on the scheme. The other responses of the Heritage Team are provided in within the bundle for Member's information:

The Heritage Team considers that the proposal would cause no harm to a designated heritage asset because it would relate well to the character, appearance and setting of the Conservation Area, and to the setting of the nearby listed building.

The Heritage Team recommends that details of reserved matters be secured by condition.

The layout has been amended so that the proposed development corresponds in its density and street front treatment to existing development nearby, overcoming our concerns on previous versions.

### **Place Services - Ecology**

We have reviewed the Preliminary Ecological Appraisal (Abrehart Ecology, February 2018) and the Ecological Impact Assessment (JP Ecology Ltd, July 2019), provided by the applicant, relating to the likely impacts of development on designated sites, protected species and Priority habitats & species.

We note the comments and objection submitted by Suffolk Wildlife Trust relating to the permanent loss of County Wildlife Site and Priority lowland meadow habitat should this development be consented.

This would be contrary to NPPF and Mid Suffolk Core Strategy Environment Policy CS5 which aims to avoid loss in number and area of ecological designations and continue the Council's approach to protect and manage designated sites of nature conservation importance and encourage wildlife throughout the area.

We have reviewed the additional surveys, contained within the Ecological Impact Assessment and are satisfied with overall findings of these surveys. The botany survey has indicated that Pepper Saxifrage has been found scattered throughout the whole County Wildlife Site and this species, as indicated by Suffolk Wildlife Trust's comments, is a qualifying feature of the Lowland Meadows Priority Habitat.

The proposed development would result in the permanent loss of an area of a designated site for nature conservation and Priority habitat.

Consequently, if the LPA is minded to consent this development, adequate and appropriate compensation will be necessary to make it acceptable. This could be securing enhanced management of the remaining area (currently in poor management due to overgrazing by horses) or lowland meadows habitat creation of an area calculated using the Defra biodiversity metrics. We have reviewed the submitted indicative conservation management plan for the remainder of this County Wildlife Site (CWS) and are concerned that the proposals do not offer any significant change from current management. This therefore does not currently provide enhanced management for the remaining area of the designated site and does not therefore provide sufficient compensation for permanent loss of CWS lowland grassland.

The development as submitted would be contrary to NPPF and Mid Suffolk Core Strategy Environment Policy CS5 which aims to avoid loss in number and area of ecological designations and continue the Council's approach to protect and manage designated sites of nature conservation importance and encourage wildlife throughout the area. It is therefore recommended that if the development is consented, the remaining CWS should be clearly managed for nature conservation. Enhanced management should include no grazing in spring, a hay crop in summer, and then grazing from late summer through autumn or right through the winter. This would allow plants to flower and set seed in spring and summer and reduce the impact of overgrazing and help restore the condition of this CWS grassland rather than just maintain the existing situation.

Therefore, we are not satisfied that sufficient information is currently available for determination of this application. We recommend that further details on an appropriate conservation management scheme are provided by the applicant's ecologist to ensure adequate compensation for this development. This is necessary to deliver appropriate compensation for the permanent loss of part of Laxfield Meadow County Wildlife Site and Lowland Meadow Priority Habitat and ensure that the LPA complies with its biodiversity duty under s40 NERC Act 2006.

If adequate compensation is not available, we consider it necessary to maintain our objection to this development on the grounds of loss of an area of designated site for nature conservation and Priority Habitat and net biodiversity loss.

### **Suffolk Wildlife Trust**

The construction of three houses on part of this site will result in permanent loss of part of Laxfield Meadow County Wildlife Site, representing Lowland Meadow Priority habitat. To compensate for this, 'enhancement' of the wider meadow is proposed, through provision and implementation of a Conservation Management Plan. It is proposed to fence off two compartments to allow the meadow to be managed on rotation for grazing and cutting of hay.

Having read the Conservation Management Plan, we are concerned that the proposed actions will not deliver enhancement and has the potential to be detrimental to this habitat. We are of the opinion that bisecting the meadow into two separate compartments will not deliver the desired enhancement for the following reasons: We are not aware that this site has any history of cutting for hay and consequently we believe that this change in management would not deliver a benefit to the botanical assemblage at the site. This is because perennial plants do not need to set seed. We believe that extensive grazing of the site is still the best management tool in order to retain the key ecological features. Furthermore, we deem that the erection of permanent fencing will also bring the associated problems, including poaching and dunging along the fence line. This will result in permanent edge habitat being created through the centre of the site, where currently none exists. Therefore, the meadow would be better left undivided and temporary fencing used to facilitate rotational grazing in a manner that is sensitive to vegetation growth patterns and time of year.

We also consider that the proposed review of the management actions only after 10 years is too long an interval. Mapping the baseline plant communities is proposed for Year 1 or 2, but then monitoring surveys at Years 5 and 10. We recommend that monitoring should be annual for the first five years with provision to vary the management regime as required. After five years the time between assessments could then be extended depending on the degree of success in delivering the desired outcomes.

Furthermore, the current tenancy agreement is for a maximum of seven horses, but if this scheme is implemented this would exceed the recommended stocking density of one horse per acre. Reducing the number of permitted horses to a stocking density of six or less should be included within the management plan and be a requirement of any consented application.

Notwithstanding the above, we believe that current proposals for management of this site will not be adequate to offset the loss of habitat or deliver biodiversity net gain. As we currently believe that this proposal would result in a negative impact upon Laxfield Meadow County Wildlife Site, we must continue to object to this scheme.

## **B: Representations**

At the time of writing this report at least 39 letters, emails and online comments have been received. It is the officer opinion that this represents 39 objections. A verbal update shall be provided as necessary.

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

From the representations received, the following material planning considerations are raised:

- Development is contrary to adopted Development Plan policies and emergent Joint Local Plan;
- Access would be delivered down a Public Right of Way and is located at the brow of a hill with limited visibility;
- Residential amenity issues including overlooking and noise, especially noting the topography of the site puts the proposed dwellings in an elevated position compared to dwellings further down Bickers Hill Road closer to Laxfield;
- Pedestrian access to Laxfield would be made down Bickers Hill which is narrow and has no footpath and would form the main access to the village and its facilities;
- The application site covers part of Mobbs Meadow, a County Wildlife Site and locally important open space;
- Listed buildings Waterloo House (Grade II\*) and Blyth House (Grade II) are located close to the application site and their settings will be affected;
- Application site is located outside of the settlement boundary of Laxfield;
- Light pollution stemming from the proposed residential use will disturb wildlife and existing dark skies;
- Development to contrary to policies contained within the emergent Neighbourhood Plan; and
- Development will lead to loss of hedgerow.

## **PLANNING HISTORY**

REF: 0071/74/OL

Erection of single storey dwelling

**DECISION:** REF  
07.10.1974

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## **PART THREE – ASSESSMENT OF APPLICATION**

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## **1. The Site and Surroundings**

- 1.1 The application site is located in the parish of Laxfield, on the south western side of Bickers Hill Road. It forms part of Mobbs Meadow, a County Wildlife Site and is currently utilised as a grazing paddock for horses. There are no trees noted within the site although it is surrounded by hedgerows.
- 1.2 The application site abuts the existing settlement boundary for Laxfield on two sides and would continue to abut the settlement boundary for Laxfield within the emergent Joint Local Plan. The surrounding area is predominantly rural in character, reflecting the position of the site on the edge of Laxfield. This is set against the residential character of Laxfield itself.
- 1.3 The topography of the area slopes from south west to north east such that the application site is located in an elevated position to properties located to the south west of the site.
- 1.4 A number of listed buildings are noted within the immediate vicinity of the application site and include Waterloo House (Grade II\*) and Blyth House (Grade II). Waterloo House is a C16 timber framed, two storey house with jetties while Blyth House is C16, early C17 and probably built in two phases and again is a timber framed, two storey house. The application site is also adjacent to the Laxfield Conservation Area.
- 1.5 No Tree Preservation Orders are noted within the site and the application site is not subject to any landscape designations.
- 1.6 The site is allocated as a County Wildlife Site, a non-statutory designation recognising the importance of the site as a lowland meadow. The non-statutory nature of the designation means that no legislation exists to protect the site, although they are recognised by planning policy. The application site forms 10% of the County Wildlife Site.

## **2. The Proposal**

- 2.1 The application originally sought outline planning permission for the erection of five residential dwellings. Through the course of the application, the scope of the permission has been reduced such that it now seeks outline planning permission for the erection of three residential dwellings. Details of appearance, scale, layout and landscaping are all reserved, meaning that they would form a separate application to come forward if this application were to be approved. This current application therefore considers the principle of development and the access to the site.
- 2.2 Indicative plans have been submitted to the Council showing a linear arrangement of proposed development facing onto Bickers Hill and the public footpath. Good sized rear gardens are provided to each and parking spaces are also shown.
- 2.3 It is noted that the parking arrangements shown do not meet the standard set out in the adopted Suffolk Guidance for Parking. However, as layout is a reserved matter, this would be addressed within a further application. That being said, the indicative plans appear to be capable of delivering the required level of parking without compromising the proposed garden areas allocated to each property.
- 2.4 The density of the proposed development equates to 9.6 dwellings per hectare, in part due to the site area (0.31 ha). Visually the density appears roughly similar to that of its surroundings, although it is accepted that for the most part surrounding development is set within larger plots.

- 2.5 Again, the scale of the development proposed would form a reserved matter for agreement within a subsequent application. The topography of the site and of the wider area would place any development on this site in an elevated position when compared to its neighbours and would need careful consideration.
- 2.6 As the layout and appearance of the development also form reserved matters it is not possible to comment on internal back to back distances at this point aside from noting that the indicative plans submitted do not appear to adversely affect each other due to their arrangement within the site. Waterloo House, is located some 40m south west of the site boundary with White House and Stangarth 45m and 52m from the site boundary. Hillside and Blyth House are located to the west and north west of the application site, across Bickers Hill at a distance of 10m and 20m respectively.
- 2.7 Details of external facing and roofing materials would again form part of any reserved matters applications.

### **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 alongside the adopted development plan policies of the Council.
- 3.2 Mid Suffolk benefits from a five-year housing land 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.
- 3.3 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.

#### **Assessment of Development Plan Policies**

- 3.4 Policy CS1 of the Core Strategy 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.
- 3.5 The proposal site is located outside of a defined Settlement Boundary, in the countryside, and is therefore in conflict with Policy CS1 of the Core Strategy. The proposal represents housing development in the countryside, and in applying the principle of policy, the proposal is inconsistent with the aims and objectives of CS1.
- 3.6 However, the Inspectorate decision in Woolpit (APP/W3520/W/18/3194926) is noted. In it, the Inspectorate reduces the weight of CS1, and other policies given the age of the Local Plan and their conflicts with the NPPF. CS1 is therefore 'weighted' accordingly and the principle of the proposal is

not solely considered to turn on this issue, consideration is also therefore given to the requirements of the NPPF.

- 3.7 Further to the consideration of CS1, Policy CS2 states that in the countryside development will be restricted to defined categories in accordance with other plan policies. It explicitly excludes the development of market dwellings within the countryside. The NPPF contains a not dissimilar policy with paragraph 79 of the NPPF seeking to avoid isolated dwellings in the countryside outside of a specific set of criteria. Given the wording of the paragraph, this test 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 application site is not considered to be physically isolated given the proximity of other residential buildings to it. It is therefore considered that paragraph 79 does not engage in this instance.
- 3.8 Saved Policy H7 of the Local Plan states that in the interests of protecting the existing character and appearance of the countryside, outside settlement boundaries there will be strict control over proposals for new housing. The provision of new housing will normally form part of existing settlements. The proposal is contrary to Policy H7.
- 3.9 Both CS2 and H7 apply a level of negative weight to the consideration of the application at hand, however, the fact that CS1 is not considered to be fully compliant with the NPPF means that, the statutory weight attached to the above Mid Suffolk policies is reduced as required by paragraph 213.
- 3.10 Therefore, it cannot be shown that the policies of the Council carry sufficient weight to be determinative to this application. 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.

#### Assessment against NPPF

- 3.11 The NPPF sets out three strands of sustainable development at paragraph 8. These include:
- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
  - b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
  - c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
- 3.12 The site would give rise employment during the construction phase of the development. Furthermore, future occupiers of the development would be likely to use local services and facilities given their proximity. It is considered that the development would represent a number of economic benefits.

- 3.13 Socially, the delivery of housing is also read as a benefit in so far as it would help the Council deliver against its housing targets. The fact that the Council can demonstrate a five-year housing land supply is noted, however, this cannot be read as a cap on development, particularly where it can be shown that said development would be considered sustainable when read against the criteria of the NPPF. The number of dwellings that would be delivered as a result of this application means that the benefits associated with this objective is similarly limited.
- 3.14 Spatially, the indicative form of the proposed development would relate well to the surrounding ribbon development located on either side of Bickers Hill. Despite the fact that the site is located outside the settlement boundary within the adopted development plan and emergent Joint Local Plan, meaning that site would fall within the countryside, it is well located in terms of its proximity to the facilities in Laxfield, with the Kings Head Public House located 170m away, the Co-Operative Store located 270m away, Laxfield Village Hall 540m away and Pre-School and Primary School located 880m away.
- 3.15 Environmentally, the Council's heritage team do not note harm to the setting of the listed buildings close to the application site or to the character of the Laxfield conservation area. The site is located on a County Wildlife Site and objections from both the Council's Ecology Consultant and from Suffolk Wildlife Trust are noted. Both conclude that with agreeable management processes in place, adequate compensation to the County Wildlife Site would be secured. Comments from Suffolk Wildlife Trust point out a number of areas where the current proposals are deficient and should be improved. Consequently, limited benefits are currently identified in this regard, however, an updated management plan could be secured via planning condition to ensure that the proposal offers appropriate mitigation and enhancement measures so as not to weigh against the proposal in this regard.

#### Emergent Joint Local Plan

- 3.16 Attention should also be drawn to the provisions of the emergent Joint Local Plan. This has progressed to Regulation 18 stage meaning that while some weight can be applied to the document, it is of a limited nature.
- 3.17 As identified, the site would continue to fall outside of the settlement boundary of Laxfield. Laxfield would be identified as a hinterland village, this permits development within settlement boundaries subject to a number of criteria including securing high-quality design, securing appropriate landscaping, protecting natural features and the cumulative impact of development.

#### Laxfield Neighbourhood Plan

- 3.17 Laxfield Neighbourhood Plan is currently undergoing a period of public consultation ending 6<sup>th</sup> April 2020. Following this it will undergo a period of potential revision before submission for examination. Consequently, it is considered to carry limited material weight.
- 3.18 A number of policies of the Neighbourhood Plan are of note and are identified earlier within this report. The application at hand cannot be held to be in conformity with the all of the identified policies, particularly those relating to development (LAX 1 and LAX 2) and open space and conservation (LAX 14 and LAX 17). That being said, the application also scores positively against a number of other policies of the Neighbourhood Plan or could secure compliance with them through the use of planning conditions.
- 3.19 Overall the weight which can be attributed to the emerging Neighbourhood Plan and the degree of conflict between the proposal and those policies is not sufficient to warrant refusal.

## Conclusion

- 3.20 In terms of the principle of development the identified conflict between the application and the adopted development plan is not seen to be fully determinative in this instance, due in part to both the fact that key policies for the determination of the application have been judged by the Planning Inspectorate not to be in keeping with the provisions of the NPPF and that other policies of the adopted development plan pre-date the publication of the NPPF and its revision.
- 3.21 The application scores well against the economic objective of sustainable development and fairly well against the social objective. Environmentally the judgement is finely balanced, with the application well related to Laxfield itself and to its services and facilities. No harm is noted with regards to impacts on listed building or other heritage assets, however, the development is positioned on a County Wildlife Site and while compensation could be provided in order to mitigate the impacts of development, the submitted detail has not been successful in lifting the objections of either the Council's Ecological Consultant or Suffolk Wildlife Trust.
- 3.22 The application similarly reflects poorly against the considerations of the Laxfield Neighbourhood Plan, however, the limited weight attached to the document, similarly means it fails to be determinative in this instance. Opportunities are noted that would allow for conditions to be applied to any subsequent reserved matters application should Members be minded to support the recommendation such that a greater degree of conformity with the Laxfield Neighbourhood Plan would be required.

## **4. Nearby Services and Connections Assessment of Proposal**

- 4.1 Connections to the various services and facilities of Laxfield are noted within paragraph 3.14 in this report but for completeness are repeated here; the Kings Head Public House is located 170m away, the Co-Operative Store is located 270m away, Laxfield Village Hall is 540m away and the Pre-School and Primary School are located 880m away. The majority of these quoted distances can be made easily on foot given their relatively short distance and provision of made footpaths within Laxfield itself. However, part of the walking route from site relies on pedestrians traversing the lower part of Bickers Hill Road which is narrow and only sufficiently wide enough for two cars to pass and is without a verge.
- 4.2 Alternative routes to the facilities within Laxfield are achievable utilising public rights of way on the other side of Bickers Hill from the application site. These would allow for pedestrian access to be made to facilities away from conflict with motor vehicles. However, the use of these is likely to increase both journey time and distance and may not be suitable for all users given the incline to the route and the surface.
- 4.3 Laxfield is served by both the 118 and 119 services which offer connection to Stradbroke, Framlingham and Ipswich. The routes only offer one connection to Ipswich in the morning and one return journey from Monday through Friday, with no service operating at weekends.

## **5. Site Access, Parking and Highway Safety Considerations**

- 5.1 Saved policies T9 and T10 of the Local Plan require development to be delivered with safe and sufficient highways access and parking. 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. This is interpreted as referring to matters of highway capacity and congestion, as opposed to matters of highway safety.
- 5.2 Data taken from Crashmap.co.uk notes four slight accidents within the vicinity of Laxfield within the last five years (2014 to 2018). None are located on Bickers Hill Road.

- 5.3 While concerns about the width of Bickers Hill Road and the position of the junction close to the brow of a hill are noted, the Highway Authority do not support the refusal of the proposed development on the grounds of highway safety and note that the grant of outline planning permission should be supported with the imposition of a number of conditions relating to the access proposed.
- 5.4 The access to the site is shown to fall within the ownership of the applicant, such that the upgrading of the public right of way is possible. It is also considered to be likely that the category of public right of way would need to upgrade to a byway open to all traffic in order to allow vehicles to utilise it for access. This, along with applications for the temporary stopping up or temporary diversion of a public right of way would also need to be secured, these are not matters for the planning system and are subject to separate legal processes.
- 5.5 As previously mentioned, on site parking shown on the indicative plan does not appear to accord with the provisions of the Suffolk Guidance for Parking. As this application is made in outline, it is not necessary for it to demonstrate full accordance with the adopted guidance as this will be further examined as part of any layout submitted at reserved matters stage. From the indicative plans submitted, it is considered that sufficient parking on site could be delivered.
- 5.6 It is also noted that the proposed development would seek to extend the footpath currently running down Bickers Hill. It does not make connection past the edge of the site but would allow for pedestrian access to come closer to the services and facilities of Laxfield than at present. The remainder of any pedestrian route would have to be undertaken on the road. This is particularly narrow at this point.
- 5.7 Concerns regarding large vehicles accessing Bickers Hill Road are also noted. Should Members support the recommendation it is considered that conditions to show HGV routing to the site be submitted to and agreed with the Highway Authority such that use of the narrowest section of Bickers Hill is avoided.

## **6. Design and Layout**

- 6.1 Appearance, layout and scale of development all form reserved matters. Therefore, while indicative plans are noted, they may not be reflective of the final form of the proposed development. However, Members would have control over this aspect of the development as and when a reserved matters application were to be made.

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

- 7.1 The edge of the site to Bickers Hill Road is formed by a tall, verdant hedgerow which is to be retained save for the creation of a pedestrian access point. A run of hedgerow to the north of the site is proposed to be removed and would also provide vehicular access to the site. This coupled with the proposed development would inevitably lead to a loss of countryside and would alter the character of the application site.
- 7.2 The site also forms part of a County Wildlife Site, identified by Saved Local Plan policy CL09. CL09 also states that "...County Wildlife Sites...will also be protected from harm to their nature conservation interest arising from development proposals...". The Laxfield Neighbourhood Plan also seeks to protect the site, identified as Mobbs Meadow through policy LAX 15 with development to be permitted only in very special circumstances. Saved Local Plan Policy CL08 and Laxfield Neighbourhood Plan Policy LAX 14 both address biodiversity and require the benefits of development to clearly outweigh any impacts.

- 7.3 At present, the wider site is utilised as a paddock for grazing horses. Assessment of the site suggests that the site is in decline, with overgrazing and under grazing within the site apparent. The submitted management plan seeks to distribute the grazing of horses over the site in a more considered, managed manner through the erection of post and rail fencing, such that horses are not left to over or under graze sections of the site.
- 7.4 Assessment of the proposed management plan by Suffolk Wildlife Trust notes that permanent fencing of the site is likely to create issues of its own and would prefer to see the meadow undivided and temporary fencing used to rotate grazing through the site. They also would prefer to see a more active review system put in place on the site in order to arrest any decline of the site. They also note that the current number of horses grazing the site should be reduced (by one) such that the site accord with the recommended stocking density of the site (one horse per hectare).
- 7.5 Suffolk Wildlife Trust give a number of alterations to the proposed management plan that if members were minded to support the recommendation would be secured as a condition to any planning permission. At present, there is no management plan on the site, and it is considered that the issues associated with over and under grazing of horses on the site leading to the decline of the County Wildlife Site would continue and may become exacerbated, but which could be appropriately controlled by condition to this proposal.

## **8. Land Contamination, Flood Risk, Drainage and Waste**

- 8.1 Land contamination has been assessed following the submission of a phase 1 assessment. Environmental Health Officers have assessed this report and found its conclusions to be sound. Moreover, no harm to the end user stemming from land contamination is noted. Discovery of unexpected contamination during the course of any development would need to be remedied and Environmental Health colleagues point out that responsibility for this lies with the developer and is secured via separate legislation.
- 8.2 The site lies within Flood Zone 1, and this therefore at lowest risk from pluvial and fluvial flooding. As the site proposes under ten residential units and is under one hectare in site area, there is no requirement for a flood risk assessment. Drainage of the site would therefore be dealt with under Part H of Building Regulations.
- 8.3 Waste is to be dealt with through connection to the existing foul sewerage system.

## **9. Heritage Issues**

- 9.1 Section 66(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard be given to the desirability of the preservation of listed buildings, their setting and any features of special interest they possess. Section 72(1) of the same Act provides that works within or affecting a conservation area must either preserve or enhance the character or appearance of the area. Similar protections are given within the NPPF, which requires that great weight be applied to the conservation of designated heritage assets, of which both listed buildings and conservation areas are noted.
- 9.2 As seen from the comments provided within the bundle, both Historic England and the Council's Heritage team raised concerns with regards to the originally proposed development both with regards to its impact on the setting of nearby listed buildings and for its impact on the Laxfield conservation area.
- 9.3 Following the reduction in unit numbers and submission of a fresh indicative layout, Historic England now have no objection to the application and consider that it responds well to paragraphs 192, 193, 194 and 196 of the NPPF. This view is echoed by the Council's Heritage team who also conclude

that the amended scheme presents no harm to either the setting of the identified listed buildings or to the Laxfield conservation area.

### **10. Impact on Residential Amenity**

- 10.1 To some extent issues with impacts on residential amenity are viewed similarly to those of design. While the indicative plans are noted, these may not be reflective of the final layout and appearance of the site. Again, Members would retain control over this aspect of the development.
- 10.2 That being said, the distances to neighbours as noted within paragraph 2.6 of this report are generous and should avoid direct overlooking or overbearing issues through good use of design principles.

### **11. CIL**

- 11.1 The proposed development would be subject to CIL. The total amount due could only be calculated on submission of any subsequent reserved matters application when the final floorspace of each unit is provided.

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## **PART FOUR – CONCLUSION**

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### **12. Planning Balance and Conclusion**

- 12.1 Consideration of this application is finely balanced. The main planning issues at hand revolve around the location of the site and whether it is considered to be sustainable as well the County Wildlife Site designation of the wider area.
- 12.2 Spatially the site is located adjacent to the existing settlement boundary of Laxfield and the future settlement boundary as defined in the emergent Joint Local Plan. It therefore falls within the countryside. That said, it is well positioned to take advantage of the facilities and services within Laxfield itself, although it is accepted that the direct pedestrian route to those facilities and services may not be ideal.
- 12.3 Policies identified within the Mid Suffolk Core Strategy and Mid Suffolk Local Plan that speak to the location of residential development are not considered to be sufficient, either through conflict with the aims of the NPPF, or by their advanced age to be determinative in this instance on their own. Consideration of the three strands of sustainability within the NPPF identify economic benefits, limited social benefits and limited environmental benefits which are dependent on the ability of the applicant to demonstrate that a management plan for the County Wildlife Site is achievable and would meet the requirements of both the Council's Ecology Consultant and Suffolk Wildlife Trust.
- 12.4 Based on the comments of both identified ecological consultees it is felt that this is possible. Moreover, given the declining status of the County Wildlife Site, engaging in proactive measures to create betterment throughout the remainder of the site is a positive of the development, especially when it is considered that there is no mechanism to secure this betterment without the grant of planning permission.
- 12.5 Additionally consideration is given to the proposed policies contained within the Laxfield Neighbourhood Plan. While not sufficiently advanced to be given more than limited weight, there are a number of conflicts between the application and the Neighbourhood Plan, mainly centred on the location of the site and its ecological designation. It is considered the limited weight attached to these policies is again, not sufficient to refuse the application, however, given that the application

is made in outline, it would be expedient to include a number of conditions to make the proposed site more compliant and offer benefits in this regard.

## **RECOMMENDATION**

**(1) That the Chief Planning Officer be authorised to grant Planning Permission subject to conditions as summarised below and those as may be deemed necessary by the Chief Planning Officer:**

- Time limit for outline planning permission;
- Reserved matters application to include detail of appearance, layout, scale and landscaping;
- External facing and roofing materials to be agreed;
- Details of sustainable design considerations, construction techniques and incorporation of renewable energies;
- Details of internal parking arrangements to accord with adopted standards and to include electric vehicle charging points and cycle parking;
- Details of refuse and recycling bins including internal storage areas and presentation points;
- Revised County Wildlife Management Plan to be submitted and agreed addressing points raised by Suffolk Wildlife Trust;
- Construction method statement to be provided to cover a range of issues, including large vehicle routing to site;
- No external lighting to be erected on site unless agreed;
- Ducting capable of accepting fibre cable to enable superfast broadband connection;
- Access to meet highway standards;
- Footpath to be upgraded to highway standard;
- Visibility splays to be provided to the access;