

Committee Report

Item No: 7A

Reference: DC/18/04491

Case Officer: Katherine Hale

Ward: Onehouse.

Ward Member/s: Cllr John Matthissen.

RECOMMENDATION – APPROVE PLANNING PERMISSION WITH CONDITIONS AND S106

Description of Development

Planning Application -Amended application for 28 dwellings. [incl 9 affordable homes]

Location

Land Adjacent To Buxhall Lodge, Buxhall Road, Great Finborough, Suffolk IP14 3AQ

Expiry Date: 28/02/2019

Application Type: FUL - Full Planning Application

Development Type: Major Small Scale - Dwellings

Applicant: Laurence Homes

Agent: Mr S Earl

Parish: Great Finborough

Site Area: 2.205Ha

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

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

Has the application been subject to Pre-Application Advice: Yes (DC/18/00221)

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason:

It is a 'Major' application for:

- a residential development for 15 or more dwellings.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

NPPF - National Planning Policy Framework

Core Strategy [2008]

CS01 - Settlement Hierarchy
CS02 - Development in the Countryside & Countryside Villages
CS03 - Reduce Contributions to Climate Change
CS05 - Mid Suffolk's Environment
CS06 - Services and Infrastructure
CS09 - Density and Mix

Core Strategy Focused Review Core Strategy [2012] which reviewed Adopted Core Strategy Development Plan Document 2008

FC01 - Presumption In Favour Of Sustainable Development
FC01_1 - Mid Suffolk Approach To Delivering Sustainable Development

Local Plan [1998]

GP01 - Design and layout of development
H03 - Housing development in villages
H04 - Proportion of Affordable Housing
H05 - Affordable Housing Rural Exception Sites
H07 - Restricting housing development unrelated to needs of countryside
H13 - Design and layout of housing development
H14 - A range of house types to meet different accommodation needs
H15 - Development to reflect local characteristics
H16 - Protecting existing residential amenity
H17 - Keeping residential development away from pollution
HB01 - Protection of historic buildings
CL05 - Protecting existing woodland
CL08 - Protecting wildlife habitats
CL09 - Recognised wildlife areas
T04 - Planning Obligations and highway infrastructure
T09 - Parking Standards
T10 - Highway Considerations in Development

Neighbourhood Plan Status

This application site is not within a Neighbourhood Plan Area and currently no Neighbourhood Plan is being prepared for Great Finborough.

Status of Adopted Local Plan [1998]

A number of policies within the Plan have now been held to be 'out-of-date' as a result of recent planning appeal decisions on the basis of Inspectors declaring them to be inconsistent with the NPPF [2019]. On this basis the tilted balance required by paragraph 11 of the NPPF may need to be brought into play but this will need to be tempered against the Adopted Development Plan where and if relevant policies

remain valid and continue to attract significant weight as material planning considerations dependent upon their consistency with the NPPF. This cannot, however, supplant the statutory duty to take decisions in accordance with the development plan unless such considerations indicate otherwise.

Status of Draft Joint Local Plan [2019]

The Babergh and Mid Suffolk Joint Local Plan is currently in Regulation 18 phase with the consultation period for comments now finished. Within the Draft Joint Local Plan the entirety of the application site is not part of the proposed site allocations however the entire site would be within the settlement boundary for the Draft Joint Local Plan.

Five Year Housing Land Supply Statement [5YHLS]

The Council is currently able to demonstrate that it has a 5YHLS and therefore paragraph 11 of the NPPF [2019] is not required to be brought into play by the NPPF in this respect as there is no overriding need to approve sustainable development outside of settlement boundaries in order to urgently reduce a 5YHLS deficit.

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)

Great Finborough Parish Council

Great Finborough Parish Council OBJECTS to this application

“This amended application shows no material changes to the proposal in order to address the objections and concerns previously expressed apart from the small reduction in number of dwellings with a slight relocation away from the Listed Buxhall Lodge. This is not a sustainable development in terms of the Mid Suffolk Core Strategy 2008, the emerging Joint Babergh & Mid Suffolk Local Plan or the National Planning Policy Framework NPPF. This site is outside the existing settlement area and should be refused. The extension of settlement boundary to include this site in the emerging Draft Joint Local Plan is vigorously contested by the Parish Council and should not be used to influence a decision on this application. The applicant refers several times to Great Finborough's classification as a Primary Village however this status is completely out of date, there has been no shop and PO for several years, an intermittently open pub and a now non existent bus service. A development of 28 more houses on top of the recent granting of a 24 dwelling development directly opposite this proposed site is not sustainable, further market housing supply is not considered suitable in Great Finborough and this application is contrary to several points in Para 17 of the NPPF.

Officer comment:

Despite the parish council's description of the amendments as having 'no material change' officers are of the opinion that the amendments secured are significant in terms of the character of the development. The reduction in the number of units originally proposed by 12.5% [4 units] has allowed a looser layout to emerge and a greater separation between Buxhall Lodge and new development to be created. The townscape within the proposal has also be re-worked to create a character of development that is better suited to a rural location. This report will explore these elements in more detail later.

The Adopted Local Plan defines Gt Finborough as a Primary Village and as such the policy that relates to Primary Villages is an important material consideration because the Draft Joint Local Plan currently attracts limited weight. Whilst the village lacks a shop it does have access to a broad range of facilities and services in Stowmarket which is very close by. This point will be explored in greater detail later in this report particularly in the context of exercising the 'tilted balance'.

Great Finborough Parish Council have been supportive of growth in the village and fully understand the reasons for encouraging it but this has to be sustainable and of good design. It is felt that this application will push development in Great Finborough over and above what is acceptable and sustainable. We are concerned that with current population figures standing at approx 860, using the projected people per property figures from the developers of the Pear Tree Place site at 96 people and this application at 181 this would be in excess of a 32% increase in our village population in a matter of months in a village that has no amenities, surely this is too many and unsustainable.

Officer comment:

With the average household size in Suffolk being 2.2¹ people one could question the overall occupancy details provided. 28 units x 2.2 = 62 people [rather than 181]. That would represent a 7.2% increase in population. Putting aside the question of what is the realistic expectation in terms of population increase the question that Members need to consider is will the addition of 28 dwellings cause such harm as to outweigh any public benefits. The Council's settlement hierarchy policy permits limited growth in primary villages such as Gt Finborough as looks to small scale housing growth to meet local needs, particularly affordable housing. The Adopted Local Plan does not provide a definition of small-scale and Members may feel that 28 may not represent small-scale in the context of this village. It should however be noted that there is a pressing need for affordable homes within the District as the current requirement is for 127 affordable dwellings per year up to 2036. Currently within Mid Suffolk there are 743 people on the Register. Delivery of new affordable homes represents a response to local need because those in housing need can be accommodated across the District.

Paragraph 8 of NPPF expects a development to meet the three objectives; Economic, Social and Environmental, of sustainable development.

- 1. Economic - The detriment caused by this development outweighs the short term economic activity it will generate while being built. It is contrary to the NPPF's need to provide development that contributes to a strong and competitive rural economy. We have already lost our shop and PO, our Primary School is full and our doctors surgery in nearby Stowmarket is over subscribed. Since occupiers of the dwellings will be reliant on cars for work, leisure and access to amenities, they are just as likely to drive further afield for the necessities of daily living and Great Finborough PC believes that any beneficial effect on the sustainability of the few remaining local amenities will be small and will not outweigh the detriment caused by the development. The developer also gives no information on the sustainability of the buildings themselves in terms of e.g. materials, energy efficiency or use of renewable energy to offset the detriment to biodiversity and the impact of increased traffic movements.*

- 2. Social - Although the indication of 8 [sic] x affordable housing units would be welcomed it is felt that this alone does not outweigh the lack of sustainability in all other areas.*

As we know from experience that once granted an development such as this can be separated into smaller "phases" with the requirement to provide affordable dwellings not then needed (Ref; Application DC/18/03710) in a blatant attempt to avoid the provision of affordable dwellings.

¹ Suffolk Observatory

3. *Environmental - The development site is not within "a short distance" of a wide range of services in Stowmarket. With no regular bus services into or out of the village and no pedestrian access to the nearest "local shops and services" in Stowmarket or Bildeston this proposal does not comply sufficiently with NPPF paragraphs 34 and 35 which seek to minimise the need to travel, and give priority to pedestrian and cycle movements and have access to high quality public transport. The bus service in Great Finborough that did consist of one community bus twice a week, has recently been completely withdrawn which means is no public transport at all for residents to access Stowmarket or Bildeston.*

It is felt that this development fails the NPPF environmental dimension of sustainable development, "protecting and enhancing our natural, built and historic environment, and helping to improve biodiversity, use of natural resources prudently, minimise waste and pollution....including moving to a low carbon economy" Evidence in this application of environmental sustainability is very poor and it is believed that it will create adverse impacts on the natural, built and historic environment in that;

This site is a mature pasture that can be evidenced as being unploughed meadowland for at least 40 years. It has an intrinsic value to the village, with its mature hedgerows, ponds and biodiversity. Any development of this site will adversely impact on this natural environment.

It is our view that the applicants have not given sufficient information to allow MSDC to determine the likely impact of this development on traffic safety on the B1115 High Road, surface water contributions to local flooding nor is there any evidence of appropriate mitigation strategies for the protection of any flora and fauna.

Flooding - The Flood Risk Assessment provided does not evidence a viable surface water drainage strategy, concerns are expressed that there seems to be no local knowledge of the regular flooding of the surrounding road networks and the application does not address the fact that urbanisation in this location will impact on the river courses and future flooding of the Ratt.

Ecology - There are two ancient ponds within the site and although the intention seems to be to retain these there will be disturbance and there is concern that no mitigation has been provided to protect against the environmental impacts during the construction of a development of this size.

Highways - Great Finborough Parish Council objects to this application on the grounds of highway safety, the proposal for access and egress for this site is contrary to T10 of Mid Suffolk Local Plan 1998, and paragraph 32 of the NPPF which requires safe and secure access for all.

There appears to have been no traffic survey carried out as part of this application.

We have serious concerns about the excess speed of traffic along the 30 MPH limit of the High Road.

-A recent survey carried out as part of application DC/17/04968 showed an average speed along the High Road of 39MPH.

-We regularly carry out Speedwatch sessions throughout the village, results of these show many excessive speeders.

-Our VAS machine results collaborate this with recent data showing on an average working day, in one direction, vehicle numbers at 1773 with a highest recorded speed of 77mph, 79% of vehicles travelling above 30mph and 42% above 35MPH, the most worrying statistic being an average of 220 vehicles a day travelling at between 41 and 50mph.

These statistics come from an area very close to our Primary Schools 20's plenty and the access junction of an already granted development to come of 24 dwellings. The resulting increase in vehicles accessing the High Road from a further 32 dwelling development causes extreme concern for the safety of residents and visitors alike.

The existing junctions at this location on High Road, for The Chestnuts and Pear Tree Place, are within 200yds of each other and the proposal to create a further junction between these on the opposite side of this busy road is of extreme concern and with visibility splays seemingly only achievable with the removal of established hedgerows, if at all, the Parish Council asks that Highways please take into consideration the data we have on file for traffic movements and speeds along this stretch of road and its proximity to the Primary School when considering this proposed access. The additional traffic generation resulting from an application of this size will exacerbate the safety issues already being experienced.

The provision of pedestrian access and egress to the site in the north corner is a cause for concern, the proposal to exit onto the triangle junction of Buxhall Road and B1115 High Road creates safety concerns with a lack of safe visibility around the bends and no easy way to cross to the school or to join existing pavements.

Officer comment:

Sustainability and highway impacts are explored elsewhere in this report but officers conclude that the proposed development does represent sustainable development within the definitions provided by the NPPF.

Listed Building - Great Finborough PC objects to this application on the grounds of the detrimental effect it will have on the setting of the Grade II Listed, Buxhall Lodge. It is acknowledged that the amended proposal has reduced the number of dwellings with the layout moving the development slightly further away from house however this does not mitigate the damaging effect this proposal would have on the setting of Buxhall Lodge. The proposed site is a meadow to the front of Buxhall Lodge which is a major component of this listed buildings setting making a key contribution to the understanding of the function, significance and history of the building. The scale and form of this suburban residential development seeks to negate the significance of this site to the setting of Buxhall Lodge, no proper assessment of the historical environment record for Buxhall Lodge is apparent in the application, as required by paragraph 128 of the NPPF and this level of harm to the setting of a Listed Building is contrary to HB1 of the Mid Suffolk Local Plan 1998, CS5 of the Mid Suffolk Core Strategy 2008 and paragraph 134 of the NPPF.

Officer comment:

It is accepted that the proposed development will have 'less than substantial harm' on the setting of Buxhall Lodge. In exercising the test prescribed within paragraph 196 of the NPPF officers are of the opinion that whilst there is heritage harm this is outweighed by the public benefits that arise. The scheme has been amended to improve the relationship between new development and Buxhall Lodge. This issue is explored in more detail later in this report

The removal of the hedgerows to the east boundary of the site to enable visibility splays for the access road is also considered to be detrimental to the setting and amenity value of the Grade II Listed The Thatched Cottage.

The Parish Council have received representation from the residents of neighbouring properties opposite the site who have serious concerns regarding the detriment to their residential amenity due to light and shading issues should this development be approved.

In conclusion - Great Finborough Parish Council do not believe that this application is the "best solution to the future housing needs" we already have more than enough housing both established and granted proposals and any more will be totally unsustainable. The site is one of the points where the open countryside comes close to the built up heart of the village and losing proximity to the countryside at this point would result in an unacceptable form of development where any benefit does not outweigh the lack of sustainability.

The applicant dismisses the settlement boundary as out of date however uses our Primary village status, which is clearly out of date, in support of their sustainability claims.

This application is badly put together and it is felt yet another example of speculative developer applications. The applicant, Simon Earl BDG Design Ltd has been formally invited to discuss the application with the Parish Councillor to attend a PC meeting however to date this invitation has received no positive response.

It is strongly felt that this proposal will be suburbanisation of the worst kind outside a settlement boundary and should be refused.”

National Consultee (Appendix 4)

Anglian Water

No further drainage documents have been uploaded so we therefore have no further comments to add from our previous response PLN-0002557 dated 15/11/2018.

Natural England

Natural England has no comments to make on this application.

Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Natural England and the Forestry Commission have also published standing advice on ancient woodland and veteran trees which you can use to assess any impacts on ancient woodland.

Environment Agency

We are returning this consultation without comment because we have checked the application and it is not clear why we have been consulted. Please find attached a consultation checklist which explains when to consult us. If, after reconsideration, you still need us to comment on this planning application, please specify why. If you confirm why we have been appropriately consulted, our 21 day statutory consultation period will start. If not, we will take no further action. We have adopted this approach because we are currently receiving large numbers of inappropriate consultations. These significantly reduce the time and staff resources we have to provide you with timely statutory consultation responses.

County Council Responses (Appendix 5)

SCC Highways (Reconsultation Comments)

Notice is hereby given that the County Council as Highway Authority make the following comments:

We have reviewed the data supplied with this application, the summary of our findings are as follows:

- The proposed visibility splays for the accesses are sufficient for this application.
- the development is within walking distance to the primary school with a safe route for the vulnerable user.
- There have been no reports of injury accidents in the area therefore, there are no specific highway safety concerns in the vicinity of the site.
- The nearest bus stop is adjacent to the site and this is considered acceptable distance to walk to catch public transport (however, there is a minimal bus service)

- The proposal for 28 dwellings would create approximately 20 vehicle movements within the peak hour (1 vehicle every 3 minutes) therefore the additional vehicles from the development will not affect the capacity of the highway network in the area.

This development would not have an unacceptable impact on highway safety (NPPF para 109) therefore we do not object to the proposal.

Comments on the layout

- The visitor laybys opposite Plot 1 and adjacent to Plot 5 are too close to junctions; they should be 10m from a junction.
- the parking for Plot 12 & 13 are on the corner of a turning head which will require vehicles reversing across a footway into tight areas and with no visibility.
- Dimensions of the parking spaces and garages have not been specified; a standard car parking space is 2.5m x 5.0m and a standard garage is 3.0m x 7.0m.
- landscaping does not show if planting is restricted to 0.6m within junction visibility splays.

CONDITIONS

Should the Planning Authority be minded to grant planning approval the Highway Authority in Suffolk would recommend they include the following conditions and obligations:

AL10 - Condition: Before the development is commenced, details of the access and associated works, (including layout, levels, gradients, surfacing and means of surface water drainage), shall be submitted to and approved in writing by the Local Planning Authority. Reason: To ensure that roads/footways are constructed to an acceptable standard.

V 1 - Condition: Before the access into the site is first used, visibility splays shall be provided with an X dimension of 2.4 and a Y dimension of 90m and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

HW1 - Condition: Prior to commencement of any works (save for site clearance and technical investigations) details of the footway links (including layout, levels, gradients, surfacing and means of surface water drainage), shall be submitted to and approved in writing to the Local Planning Authority in consultation with Local Highway Authority. The details as agreed shall be delivered in accordance with a timetable for improvement which shall have been submitted to and agreed in writing by the LPA concurrent with the said details. Reason: To ensure that design highway improvements/footways are constructed to an acceptable standard.

ER1 - Condition: Prior to commencement of any works, (save for site clearance and technical investigations) details of the estate roads and footpaths, (including layout, levels, gradients, surfacing and means of surface water drainage), shall be submitted to and approved in writing by the Local Planning Authority. Reason: To ensure that roads/footways are constructed to an acceptable standard.

ER2 - Condition: No dwelling shall be occupied until the carriageways and footways serving that dwelling have been constructed to at least Binder course level or better in accordance with the approved details except with the written agreement of the Local Planning Authority in consultation with Local Highway Authority. Reason: To ensure that satisfactory access is provided for the safety of residents and the public.

P 2 - Condition: Before the development is commenced details of the areas to be provided for the [LOADING, UNLOADING,] manoeuvring and parking of vehicles including electric vehicle charging units and secure cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and

shall be retained thereafter and used for no other purpose. Reason: To enable vehicles to enter and exit the public highway in forward gear in the interests of highway safety.

B1 - Condition: The areas to be provided for storage of Refuse/Recycling bins as shown on drawing number 15.040/102A shall be provided in its entirety before the development is brought into use and shall be retained thereafter for no other purpose. Reason: To ensure that refuse recycling bins are not stored on the highway causing obstruction and dangers for other users.

HGV CONSTRUCTION - Condition: Before the development hereby permitted is commenced a Construction Management Plan shall have been submitted to and approved in writing by the Local Planning Authority. Construction of the development shall not be carried out other than in accordance with the approved plan. The Construction Management Plan shall include the following matters:

- haul routes for construction traffic on the highway network and monitoring and review mechanisms.
- provision of boundary hoarding and lighting
- details of proposed means of dust suppression
- details of measures to prevent mud from vehicles leaving the site during construction • details of deliveries times to the site during construction phase
- details of provision to ensure pedestrian and cycle safety
- programme of works (including measures for traffic management and operating hours)
- parking and turning for vehicles of site personnel, operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials
- maintain a register of complaints and record of actions taken to deal with such complaints at the site office as specified in the Plan throughout the period of occupation of the site.

Reason: In the interest of highway safety to avoid the hazard caused by mud on the highway and to ensure minimal adverse impact on the public highway during the construction phase.

NOTES

The Local Planning Authority recommends that developers of housing estates should enter into formal agreement with the Highway Authority under Section 38 of the Highways Act 1980 relating to the construction and subsequent adoption of Estate Roads.

The works within the public highway will be required to be designed and constructed in accordance with the County Council's specification. The applicant will also be required to enter into a legal agreement under the provisions of Section 278 of the Highways Act 1980 relating to the construction and subsequent adoption of the highway improvements. Amongst other things the Agreement will cover the specification of the highway works, safety audit procedures, construction and supervision and inspection of the works, bonding arrangements, indemnity of the County Council regarding noise insulation and land compensation claims, commuted sums, and changes to the existing street lighting and signing.

SCC Contributions (Reconsultation Comments)

I refer to the proposal: planning application – amended application for 28 dwellings. Reason(s) for re-consultation: amended description, drawings and accommodation schedule received by the local planning authority on 04 September 2019.

This consultation response updates and replaces the previous consultation response letter dated 23 October 2018.

Summary of infrastructure requirements:

CIL	Education	
	- Primary school expansion	£116,172
	- Secondary school expansion	£136,428
CIL	Libraries expansion	£6,048
CIL	Waste infrastructure	£3,080
S106	Highways	tbc

This letter sets out the infrastructure requirements which arise, most of which will be covered by CIL apart from site-specific mitigation.

The details of the impact on local infrastructure serving the development is set out below and will form the basis of a future CIL bid for funding:

1. Education. Paragraph 94 of the NPPF states: 'It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should: a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and 3 b) work with schools promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.' Furthermore, the NPPF at paragraph 104 states: 'Planning policies should: a) support an appropriate mix of uses across an area, and within larger scale sites, to minimise the number and length of journeys needed for employment, shopping, leisure, education and other activities;' The Department for Education (DfE) publication 'Securing developer contributions for education' (April 2019), which should be read in conjunction with the Planning Practice Guidance (PPG) advice on planning obligations [revised March 2019]. Paragraph 19 of the DfE guidance states, "We advise local authorities with education responsibilities to work jointly with relevant local planning authorities as plans are prepared and planning applications determined, to ensure that all education needs are properly addressed, including both temporary and permanent education needs where relevant, such as school transport costs and temporary school provision before a permanent new school opens within a development site". In paragraph 15 of the DfE guidance 'Securing developer contributions for education' it says, "We advise that you base the assumed cost of mainstream school places on national average costs published annually in the DfE school place scorecards. This allows you to differentiate between the average per pupil costs of a new school, permanent expansion or temporary expansion, ensuring developer contributions are fairly and reasonably related in scale and kind to the development. You should adjust the national average to reflect the costs in your region, using BCIS location factors". The most recent scorecard is 2018 and the national average school expansion build cost per pupil for primary schools is £16,596. The most recent (March 2019) BCIS location factor for the East of England, which includes Suffolk, is 100. When applied to the national expansion build cost (£16,596 x 1.00) produces a total of £16,596 per pupil for permanent expansion of primary schools. The most recent scorecard is 2018 and the national average school expansion build cost per pupil for secondary schools is £22,738. The most recent (March 2019) BCIS location factor for the East of England, which includes Suffolk, is 100. When applied to the national expansion build cost (£22,738 x 1.00) produces a total of £22,738 per pupil for permanent expansion of secondary schools. The DfE guidance in paragraph 16 says, "further education places provided within secondary school sixth forms will cost broadly the same as a secondary school place". SCC anticipates the following minimum pupil yields from a development of 28 dwellings, namely: a) Primary school age range, 5-11: 7 pupils. Cost per place is £16,596 (2019/20 costs). 4 b) Secondary school age range, 11-16: 5 pupils. Cost per place is £22,738 (2019/20 costs). c) Secondary school age range, 16+: 1 pupil. Costs per place is £22,738 (2019/20 costs). The local schools are Great Finborough CEVC Primary School, and Stowmarket High School. Based on existing school forecasts, SCC will have no

surplus places available at the catchment schools. On this basis, at the primary school level a future CIL funding bid of at least £116,172 (2019/20 costs) will be made and at the secondary school level a CIL funding bid of at least £136,428 (2019/20 costs) will be made.

2. Pre-school provision. Education for early years should be considered as part of addressing the requirements of the NPPF Section 8: 'Promoting healthy and safe communities' The Childcare Act 2006 places a range of duties on local authorities regarding the provision of sufficient, sustainable and flexible childcare that is responsive to parents' needs. Local authorities are required to take a lead role in facilitating the childcare market within the broader framework of shaping children's services in partnership with the private, voluntary and independent sector. Section 7 of the Act sets out a duty to secure funded early years provision of the equivalent of 15 hours funded education per week for 38 weeks of the year for children from the term after their third birthday until they are of compulsory school age. The Education Act 2011 places a statutory duty on local authorities to ensure the provision of early education for every disadvantaged 2-year-old the equivalent of 15 hours funded education per week for 38 weeks. The Childcare Act 2016 places a duty on local authorities to secure the equivalent of 30 hours funded childcare for 38 weeks of the year for qualifying children from September 2017 – this entitlement only applies to 3 and 4 years old of working parents. The recently published guidance from the Department for Education on Delivering schools to support housing growth states in paragraph 16: "Developer contributions for early years provision will usually be used to fund places at existing or new school sites, incorporated within primary or all-through schools. Therefore, we recommend that the per pupil cost of early years provision is assumed to be the same as for a primary school". From these development proposals SCC would anticipate up to 5 FTE pre-school child arising (FTE is equivalent to 30 hours per week) at a cost per place of £16,596. This proposed development is in the Onehouse ward, where there is an existing surplus of places.

3. Play space provision. This should be considered as part of addressing the requirements of the NPPF Section 8: 'Promoting healthy and safe communities.' A key document is the 'Quality in Play' document fifth edition published in 2016 by Play England.

4. Transport issues. Refer to the NPPF Section 9 'Promoting sustainable transport'. A comprehensive assessment of highways and transport issues will be required as part of a planning application. This will include travel plan, pedestrian & cycle provision, public transport, rights of way, air quality and highway provision (both onsite and off-site). Requirements will be dealt with via planning conditions and Section 106 as appropriate, and infrastructure delivered to adoptable standards via Section 38 and Section 278. Suffolk County Council FAO Sam Harvey will coordinate this. A planning obligation or planning conditions will cover site specific matters. Suffolk County Council, in its role as local Highway Authority, has worked with the local planning authorities to develop county-wide technical guidance on parking which replaces the preceding Suffolk Advisory Parking Standards (2002) in light of new national policy and local research. It has been subject to public consultation and was adopted by Suffolk County Council in November 2014 (updated 2015).

5. Libraries. Refer to the NPPF Section 8: 'Promoting healthy and safe communities'. The libraries and archive infrastructure provision topic paper sets out the detailed approach to how contributions are calculated. A CIL contribution of £216 per dwelling is sought i.e. £6,048, which will be spent on enhancing provision at the nearest library. A minimum standard of 30 square metres of new library space per 1,000 populations is required. Construction and initial fit out cost of £3,000 per square metre for libraries (based on RICS Building Cost Information Service data but excluding land costs). This gives a cost of $(30 \times £3,000) = £90,000$ per 1,000 people or £90 per person for library space. Assumes average of 2.4 persons per dwelling.

6. Waste. All local planning authorities should have regard to both the Waste Management Plan for England and the National Planning Policy for Waste when discharging their responsibilities to the extent that they are appropriate to waste management. The Waste Management Plan for England sets out

the Government's ambition to work towards a more sustainable and efficient approach to resource use and management. Paragraph 8 of the National Planning Policy for Waste states that when determining planning applications for non-waste development, local planning authorities should, to the extent appropriate to their responsibilities, ensure that: - New, non-waste development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities with the rest of the development and, in less developed areas, with the local landscape. This includes providing adequate storage facilities at residential premises, for example by ensuring that there is sufficient and discrete provision for bins, to facilitate a high quality, comprehensive and frequent household collection service. SCC requests that waste bins and garden composting bins should be provided before occupation of each dwelling and this will be secured by way of a planning 6 condition. SCC would also encourage the installation of water butts connected to gutter down-pipes to harvest rainwater for use by occupants in their gardens. A future CIL funding bid of £3,080 (£110 per dwelling) will be made to expand & improve HWRC facilities serving the proposed development.

7. Supported Housing. Section 5 of the NPPF seeks to deliver a wide choice of high quality homes. Supported Housing provision, including Extra Care/Very Sheltered Housing providing accommodation for those in need of care, including the elderly and people with learning disabilities, needs to be considered in accordance with paragraphs 61 to 64 of the NPPF. Following the replacement of the Lifetime Homes standard, designing homes to Building Regulations Part M 'Category M4(2)' standard offers a useful way of meeting this requirement, with a proportion of dwellings being built to 'Category M4(3)' standard. In addition, we would expect a proportion of the housing and/or land use to be allocated for housing with care for older people e.g. Care Home and/or specialised housing needs, based on further discussion with the LPAs housing team to identify local housing needs.

8. Sustainable Drainage Systems. Section 14 of the NPPF seeks to meet the challenges of climate change, flooding and coastal change. Suffolk County Council is the lead local flood authority. Paragraphs 155 – 165 refer to planning and flood risk and paragraph 165 states: 'Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should: a) take account of advice from the lead local flood authority; b) have appropriate proposed minimum operational standards; c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and d) where possible, provide multifunctional benefits.' In accordance with the NPPF, when considering a major development (of 10 dwellings or more), sustainable drainage systems should be provided unless demonstrated to be inappropriate. A consultation response will be coordinated by Suffolk County Council FAO Jason Skilton.

9. Ecology, landscape & heritage. These are matters for the Council to consider and address. In terms of good design, it is suggested that consideration should be given to incorporating suitable roosting and nesting boxes within dwellings for birds and bats, as well as providing suitable biodiversity features including plants to attract & support insects, reptiles, birds & mammals. Refer to the MHCLG guidance on the Natural environment [updated 21 July 2019].

10. Fire Service. Any fire hydrant issues will need to be covered by appropriate planning conditions. SCC would strongly recommend the installation of automatic fire sprinklers. The Suffolk Fire and Rescue Service requests that early consideration is given during the design stage of the development for both access for fire vehicles and the provisions of water for firefighting which will allow SCC to make final consultations at the planning stage.

11. Superfast broadband. This should be considered as part of the requirements of the NPPF Section 10 'Supporting high quality communication'. SCC would recommend that all development is equipped with high speed broadband (fibre optic). This facilitates home working which has associated benefits for the transport network and also contributes to social inclusion; it also impacts educational attainment and social wellbeing, as well as improving property prices and saleability. As a minimum, access line

speeds should be greater than 30Mbps, using a fibre based broadband solution, rather than exchange-based ADSL, ADSL2+ or exchange only connections. The strong recommendation from SCC is that a full fibre provision should be made, bringing fibre cables to each premise within the development (FTTP/FTTH). This will provide a network infrastructure which is fit for the future and will enable faster broadband.

12. Legal costs. SCC will require an undertaking from the applicant for the reimbursement of its reasonable legal costs associated with work on a S106A for site specific mitigation, whether or not the matter proceeds to completion.

13. The above information is time-limited for 6 months only from the date of this letter.

The above will form the basis of a future bid to Mid Suffolk District Council for CIL funds if planning permission is granted and implemented.

SCC Floods & Water (Initial Comments)

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

- Flood Risk Assessment Dated August 2018 v1
- Site layout 101a • Site location plan 100
- Proposed site layout 101

The reason why we are recommending a holding objection is because the applicant has failed to provide sufficient evidence on a viable surface water drainage strategy in accordance with national and local policy/guidance for a full application.

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

1. Submit infiltration test results (BRE Digest 365)
2. Submit a detailed surface water drainage strategy including full hydraulic calculations for the attenuation storage volumes 3
3. Submit a detailed cross sectional drawings of surface water drainage assets
4. Submit a detailed landscape design for the surface water drainage assets
5. Submit a flood exceedance route plan.

SCC Fire and Rescue (Initial Comments)

Access and Fire Fighting Facilities

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

Water Supplies

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

Should you need any further advice or information on access and fire fighting facilities, you are advised to contact your local Building Control in the first instance. For further advice and information regarding water supplies, please contact the Water Officer at the above headquarters.

SCC Archaeology (Initial Comments)

This site lies in an area of archaeological potential recorded on the County Historic Environment Record. The site is previously not investigated for archaeology and the topographic position along a raised ridge has potential for prehistoric occupation. Also, the location at the fork of two roads, between listed buildings of post medieval date and buildings visible on Hodkinson's map of 1783, suggest potential for medieval occupation remains. Thus, there is high potential for the discovery of below-ground heritage assets of archaeological importance within this area, and groundworks associated with the development have the potential to damage or destroy any archaeological remains which exist.

There are no grounds to consider refusal of permission to achieve preservation in situ of any important heritage assets. However, in accordance with the National Planning Policy Framework (Paragraph 141), 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.

In this case the following two conditions would be appropriate:

1. No development shall take place within the area indicated [the whole site] until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority.

The scheme of investigation shall include an assessment of significance and research questions; and:

- a. The programme and methodology of site investigation and recording
- b. The programme for post investigation assessment
- c. Provision to be made for analysis of the site investigation and recording
- d. Provision to be made for publication and dissemination of the analysis and records of the site investigation
- e. Provision to be made for archive deposition of the analysis and records of the site investigation
- f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- g. The site investigation shall be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.

2. No building shall be occupied until the site investigation and post investigation assessment has been completed, submitted to, and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation approved under part 1 and the provision made for analysis, publication and dissemination of results and archive deposition.

REASON: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Core Strategy Objective SO 4 of Mid Suffolk District Council Core Strategy Development Plan Document (2008) and the National Planning Policy Framework (2012).

INFORMATIVE:

The submitted scheme of archaeological investigation shall be in accordance with a brief procured beforehand by the developer from Suffolk County Council Archaeological Service, Conservation Team.

I would be pleased to offer guidance on the archaeological work required and, in our role as advisor to Mid Suffolk District Council, the Conservation Team of SCC Archaeological Service will, on request of the

applicant, provide a specification for the archaeological work required at this site. In this case, an archaeological evaluation will be required to establish the potential of the site and decisions on the need for any further investigation (excavation before any groundworks commence and/or monitoring during groundworks) will be made based on the results of the evaluation.

Further details on our advisory services and charges can be found on our website: <http://www.suffolk.gov.uk/archaeology/>

Internal Consultee Responses (Appendix 6)

Suffolk Preservation Society (Initial Comments)

The Society has been invited by your Heritage Team to give views regarding the outline proposal for up to 32 dwellings on a greenfield site in the village of Great Finborough. The site is within the development boundary and we understand that the village has been re-classified from a Primary Village to a Hinterland Village in the emerging Joint Local Plan. The site is unallocated and was not been proposed as part of the call for sites process in 2017. We are fully aware that following the recent Woolpit appeal decision the council's 5 year housing land supply has been challenged. We understand that pre-application advice by officers is supportive of the proposals in principle, subject to a number of matters that require careful consideration, including the setting of two heritage assets Buxhall Lodge and The Thatched Cottage, both grade II listed buildings.

Notwithstanding the urgent requirement to identify land for new housing, we consider that the impact of the proposed scheme on the setting of Buxhall Lodge will result in harm to its significance. The farmhouse has a clear visual relationship with the site, with its principal elevation facing towards it. The site forms part of the immediate setting of Buxhall Lodge and appears to have never been developed. In order to determine what, if any, historical association existed between the site and Buxhall Lodge it would be useful for archival analysis of deeds, tithe maps and/or map regression to be undertaken to establish if the site ever formed part of a landscaped entrance or gardens to the house. In the absence of this evidence the Society wishes to make a holding objection.

However, if it can be demonstrated to the Council's satisfaction that the site is not of historical significance and officers (including heritage officers) are minded to support the outline application, it is nevertheless important that careful consideration is given to the layout and landscaping of the proposals to mitigate the harm to the setting of the Lodge associated with the suburbanisation of the site.

It is widely understood that the proposals will result in less than substantial harm. The framework requires that great weight should be given to the asset's conservation, irrespective of the degree of harm (para 193) and that any harm must be clearly and convincingly justified (para 194). Less than substantial harm must be balanced against the public benefits (para 196) and LPAs should look for opportunities to better reveal the significance of heritage assets including their setting (para. 200). Further to a review of the submitted documents and a site visit, and in order to meet the tests set out in the framework, the Society recommends the following amendments:

- The existing screening between the site and lodge and along the western boundary should be retained and views filtered by appropriate new planting. The indicative layout shows almost all screening removed, especially in the southwestern corner. This runs counter to the specific advice given at pre-application stage (according to the planning statement) which required an enhanced landscape buffer at the south west corner of the site. This will require the re-location and or deletion of plots 10-13 and 14-16.
- Principal views from the farmhouse will look across a SUDS and a road onto plots 27 and 26. It would be desirable if greater attention was given to how this vista could be enhanced and a focal point created, such as parkland scale trees, to better safeguard the rural setting of the listed building.

- The aerial photograph shows substantial landscape planting on the north west corner of the site which appears to have been removed in the indicative layout. We recommend that all of the existing hedgerow and vegetation is retained and, where appropriate, enhanced in order to frame possible diagonal views across the northern end of the site (see point below)
- Views to Buxhall Lodge should be maintained and enhanced from the northern edge of the site where a footpath is proposed. The current layout obscures all possible views of the farmhouse and this is an opportunity to better reveal the significance of the listed building.
- The only tree on the site will be negatively impacted by plots 18 and 19. The root plate of the mature tree requires substantially greater protection from proposed development. The service road immediately to the west, the garage blocks immediately to the north east and the dwellings set to the north west and east are all within or very close to the canopy of the tree.
- The southern boundary provides no planting, with a series of back gardens (presumably fencing) facing onto the open countryside. This abrupt interface between urban and rural is avoidable and a landscape buffer/hedgerow would better integrate the two. Alternatively we would recommend that consideration is given to the relocation of the service road to run along the rear boundary, with the dwellings facing into the countryside to present a more suitable edge to the countryside.

The Society concurs with the Heritage Assessment, in so far as it concludes that the proposals will not materially affect the setting of the Thatched Cottage. We trust that you will find these comments helpful in the assessment of this case and request that the Society is reconsulted on any forthcoming amendments to the scheme.

BMSDC Communities 7 October 2019

The application provides little detail as to the nature or detail of the proposed open space provision in terms of providing suitable size or use of equipment to provide for recreational activity/value on the site. The nature of the latter should be agreed in consultation with the local Parish Council.

BMSDC Environmental Sustainability (Reconsultation Comments)

My predecessor commented on the original application on 14th November, this is an extract from that:

We have reviewed the application and are disappointed that there is no documentation to address sustainability issues such as energy consumption, renewable / low carbon technology or core strategy SO8 or provision for plugin / low emission vehicles. Our recommendation is refusal until these items are provided or at the very least a condition which requires the infrastructure for EV's eg ducting, cabling, spare position on fuse board as well as submission of details to show reduction in energy & water use and environmentally friendly materials.

I have reviewed the amended description, drawings and accommodation schedule provided by the applicant, nothing within these new documents addresses the previous points raised.

Therefore I suggest the following:

We request a condition is added should permission be granted and offer the following wording:

“Prior to the commencement of development a scheme for the provision and implementation of water, energy and resource efficiency measures, during the construction and operational phases of the development shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme shall include a clear timetable for the implementation of the measures in relation to the construction and occupancy of the development. The scheme shall be constructed and the measures provided and made available for use in accordance with such timetable as may be agreed.

The Sustainability & Energy Strategy must be provided detailing how the development will minimise the environmental impact during construction and occupation (as per policy CS3 SO8 and NPPF) including

details on environmentally friendly materials, construction techniques minimisation of carbon emissions and running costs and reduced use of potable water (suggested maximum of 105ltr per person per day). Details as to the provision for electric vehicles should also be included.

The document should clearly set out the unqualified commitments the applicant is willing to undertake on the topics of energy and water conservation, CO2 reduction, resource conservation, use of sustainable materials and provision for electric vehicles.

Clear commitments and minimum standards should be declared and phrases such as 'where possible, subject to, where feasible' must not be used.

Evidence should be included where appropriate demonstrating the applicants previous good work and standards achieved in areas such as site waste management, eg what recycling rate has the applicant achieved in recent projects to show that their % recycling rate commitment is likely.

Reason – To enhance the sustainability of the development through better use of water, energy and resources. This condition is required to be agreed prior to the commencement of any development as any construction process, including site preparation, has the potential to include energy and resource efficiency measures that may improve or reduce harm to the environment and result in wider public benefit in accordance with the NPPF. “

Guidance can be found at the following locations:
<https://www.midsuffolk.gov.uk/environment/environmentalmanagement/planningrequirements/>
<https://www.babergh.gov.uk/environment/environmental-management/planningrequirements/>

BMSDC Heritage Team (Reconsultation Comments)

These comments relate to the amended scheme which was received 04/09/2019 following several discussions between the agent, Heritage Team and Planning.

The proposed site layout has only changed in modest terms and has not addressed the issues previous raised by the Heritage Team in our response dated 10/12/2018 or our subsequent discussions. A 'ribbon-style' development which could flank the road to the east was recommended as a more appropriate and reduced alternative. Whilst it is acknowledged that the number of houses has reduced by four, the linear approach to the housing development has not been integrated into the amended scheme. Our concerns in regard to the impact on the setting of listed buildings – primarily the Grade II listed Buxhall Lodge to the west – remain pertinent.

The proposed development would remain suburban in character, with particular reference to the layout of roads and housing – it should be noted that Great Finborough is a small, traditionally linear village. The inappropriate, overly varied and uninformed architecture of the dwellings, hard landscaping and boundary treatment, contributes to the unsympathetic scheme. In particular, plots 1, 6-9, 13, 17 & 19, 21 and 28, contain little or no reference to the local character of the place or the historic buildings of the village, which should be utilised to inform and reinforce a sense of local distinctiveness. The scheme which currently uses an array of external cladding materials, designs and forms of buildings, does not reflect the rural, edge of settlement location in which it stands, and certainly does nothing to respect or sensitively respond to the setting of the neighbouring listed building. The western boundary of the development would appear abrupt and there has been no attempt to soften the edge by perhaps introducing hedgerows and sympathetic single-storey dwellings around the SUDS. This could provide a gentle transition between the development and the listed building. It would allow for a sense of hierarchy between the site and the listed building, and might reduce the level of harm. None of these previous suggestions have been introduced into the amended scheme.

In addition, the topography previously mentioned in the Team's response has not been further considered. There are no finished ground, floor or ridge heights, showing levels through the site and in relation to the adjacent listed buildings to the west and the south east, as well as the ponds. This would no doubt be very informative.

The Heritage Team's previous comments still stand and the amended scheme would continue to cause a medium level of less than substantial harm to the significance of the heritage asset. It does not therefore meet the requirements of s.66 of the P(LBCA)A1990, nor the principles of the NPPF or the policies of the Local Plan. It is for these reasons and those set out in our initial response, that the Heritage Team does not support the proposal.

BMSDC Strategic Housing (Reconsultation comments)

This is a revised application for 28 residential dwellings.

This is an open market development and based on 28 units should offer 9 affordable housing units = 35% policy compliant position.

The accommodation schedule submitted with the application shows the open market mix to be 3, 4 and 5 bedrooms. For the reasons above it is recommended that the mix includes smaller homes (1 and 2 bedroom properties) and less 4 and 5 bedrooms to allow first time buyers to access the market and for those wishing to downsize.

Preferred mix for Affordable Housing

The majority district wide need is for 1 and 2 bedroom dwellings followed by 3 beds with a much smaller need for 4+ bedrooms.

The accommodation schedule submitted with the revised application shows 1 and 2 bedroom affordable flats and houses as follows:

1b 2p Flat x 2 @ 47sqm
1b 2p FOG x 1 @ 60sqm
2b 4p flat x 2 @ 69sqm
2b 4p x 4 houses @ 79sqm

This mix is acceptable except for the FOG which is not supported. Consideration could be given to the provision of a 3 bedroom house to increase the range of homes. The size of the other 1 bed flats should be 50sqm minimum to meet NDSS standards.

The layout provided appears to show the affordable homes in one area of the site. It is recommended that they are integrated into the scheme to provide a more cohesive living environment.

Members are advised that since this consultation response was received officers have negotiated the delivery of an extra affordable unit in the form of a bungalow [3b 5p]. This is considered acceptable. The new mix is as follows:

1B Flat*	1B2P	(47m ²)	2
2B Flat*	2B4P	(69m ²)	2
2B *	2B4P House	(81m ²)	2
209v1*	4B6P House	(112.3m ²)	1
1B FOG*	1B2P	(60m ²)	1
B*	3B5P	(82.5m ²)	1

BMSDC Environmental Health Land Contamination (Reconsultation comments)

Many thanks for your request for comments in relation to the above application. Having reviewed the application I can confirm that I have no objection to the proposed development from the perspective of land contamination. I would only request that the LPA are contacted in the event of unexpected ground conditions being encountered during construction and that the below minimum precautions are undertaken until such time as the LPA responds to the notification. I would also advise that the developer is made aware that the responsibility for the safe development of the site lies with them.

BMSDC Environmental Health Air Quality (Reconsultation Comments)

I have referred to the Environmental Protection UK (EPUK) Guidance, 2017 – Land Use Planning and Development Control: Planning for Air Quality, in assessing this application with regard to air quality. The development would not meet the criteria in the EPUK Guidance for requiring an air quality assessment. Therefore, I have no objections to make with regard to this application.

BMSDC Environmental Health Noise/Odour/Light/Smoke (Initial Comments)

Should approval be given, I would recommend the standard construction working times be conditioned for this site due to the large scale and length of time construction activity will take place. Reason – to prevent adverse impacts from noisy construction activity on the amenity of existing and future occupiers of noise sensitive dwellings.

BMSDC Public Realm

The Public Realm Team consider the areas indicated as public open space on the revised layout to be sufficient for a housing development of this nature. Whilst there are no details as to the landscaping of these public open spaces on the latest plan, the initial concept of a 'village green type' open space would be appropriate. As this would serve the immediate community it would be anticipated that a local management solution is put in place for the future management of these and any other adoptable spaces within the development. The District Council would not seek to adopt and maintain these areas on completion of the development.

BMSDC Arboricultural Officer

I have no objection in principle to this application subject to it being undertaken in accordance with the measures outlined in the accompanying arboricultural report. Although a small number of trees/section of hedgerow are proposed for removal they are of limited amenity value and the loss will have negligible impact upon the character of the local area. If you are minded to recommend approval an appropriate condition should be used in order to help ensure harm is not caused to the trees scheduled for retention.

B: Representations

At the time of writing this report at least 17 letters/emails/online comments have been received. It is the officer opinion that this represents 16 objections, 1 support and 0 general comment these comments have been made in relation to both the original scheme and following reconsultation on the amended scheme. A verbal update shall be provided as necessary.

Views are summarised below:-

- Unsustainable
- No services/facilities (no bus service, no public telephone, no village shop, no doctors surgery. No school crossing patrol, lack of capacity in primary school)
- Impact on wildlife, site is currently an unploughed meadow
- The proposed development is out of character with the existing building line and form of development
- Urbanisation
- Highway safety
- Loss of green space
- Hinterland Village
- Local GP services are over subscribed
- Loss of hedgerow
- Impact on Grade II listed Buxhall Lodge
- Planning permission granted for 7 houses and 17 in the near vicinity, hinterland village now has adequate housing supply to meet current and future needs
- Loss of agricultural land
- Drainage issues
- Poor design

- Sustainable location within walking distance of key services and facilities
- Additional properties will help sustain existing services and facilities
- High economic benefits

(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

None

PART THREE – ASSESSMENT OF APPLICATION

1. The Site and Surroundings

- 1.1. The site is agricultural land to the southwest of Great Finborough. To the north and northeast of the site are a number of dwellings which form the core of Great Finborough.
- 1.2. The site does not contain any constraints.
- 1.3. There is a Grade II listed building, Buxhall Lodge which lies adjacent to the site and a Grade II Thatched Cottage to the southeast on the east side of High Road.
- 1.4. The application site is within Flood Zone 1 and falls within Class 3 of the National England Agricultural Land Classification (ALC).

2. The Proposal

2.1. The application seeks planning permission for the erection of 28 dwellings with 9 of these being affordable. [Members are advised that the application as originally submitted comprised of 32 dwellings but this figure was reduced to accommodate the layout/design aspirations of the Council in order to create a greater separation between new development and the nearby listed Buxhall Lodge.]

2..2. The proposed development comprises a range of dwellings at different sizes as described below.

The proposed affordable are:

- 2 x 1 bedroom 2 person flats
- 2 x 2 bedroom 4person flats
- 4 x 2 bedroom 4 person houses

- The private housing proposed are:
 - 2 x 1 bedroom 2 person
 - 2 x 4 bedroom 6 person
 - 3 x 3 bedroom 5 person
 - 2 x 3 bedroom 5 person
 - 3x 3 bedroom 5 person
 - 1 x 4 bedroom 6 person houses
 - 2 x 4 bedroom 7 person house
 - 3 x 4 bedroom 7 person houses
 - 2 x 5 bedroom 9 person houses

2.2. The proposed dwellings are situation towards the eastern part of the site away from the Grade II listed building. The proposed affordable flats and housing would be located to the south part of the site.

2.3. Access to the site would be to the east off High Road with a footpath link through the north of the site. Parking spaces are provided to each dwelling in compliance with the requirements of Suffolk Parking Guidance.

2.4. The application site is 2.205ha, with a proposed development of 28 dwellings. The proposed density at 17.6 dph [net] and: 22 dph [gross] [a reduction from 25dph] is compatible with a village location and is below the density approved elsewhere across the district in village locations [which often sit between 30 – 35 dph]. This reflects the attempts made to find a design solution that appears sympathetic to the rural character hereabouts and that allows offices to conclude that when applying the tilted balance the public benefits that arise from the development outweigh the less than substantial harm to the setting of the Grade II listed Buxhall Lodge.

2.5. The proposed dwellings are all two storey in design with a mixture of flats, semi-detached and detached dwellings. The dwellings would be finished with a range of traditional materials including red/buff facing bricks, neutral coloured render, weatherboarding and orange/grey pantiles and slates. Some will be expected to be clay. The roof pitches for the dwellings would vary between 35 to 45 degrees with overhanging eaves and verges. Some dwellings would have chimneys and gabled dormer windows as well as arches above windows with brick header courses below cils. Corner turning units have elevated end gables rather than blank flank end walls.

- 2.6. The proposed flats, situated to the southern part of the site would also be two storey and the design would reflect the style of the proposed houses with similar features and materials to be used.

3. The Principle Of Development

- 3.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications under the Planning Acts be determined in accordance with the development plan, unless material considerations indicate otherwise.

The Development Plan comprises the following:

- Mid Suffolk Local Plan 1998
- Mid Suffolk Core Strategy 2008
- Mid Suffolk Focused Review Core Strategy 2012

Within the current development plan, those policies considered to be most important for the determination of this outline application and its associated details are as follows:

GP01 - Design and layout of development
H03 - Housing development in villages
H04- Proportion of Affordable Housing
H05 - Affordable Housing Rural Exception Sites
H07 - Restricting housing development unrelated to needs of countryside
H13 - Design and layout of housing development
H14 - A range of house types to meet different accommodation needs
H15 - Development to reflect local characteristics
H16 - Protecting existing residential amenity
HB01 - Protection of historic buildings
CL08 - Protecting wildlife habitats
T04 - Planning Obligations and highway infrastructure
T09 - Parking Standards
T10 - Highway Considerations in Development
T11 - Facilities for pedestrians and cyclists

- 3.2. The NPPF requires the approval of proposals that accord with an up to date development plan without delay, or where there are no policies, or the policies which are most important are out of date, granting permission unless the NPPF policies provide a clear reason for refusal, or adverse impacts of doing so would demonstrably outweigh the benefits. The age of policies itself does not cause them to cease to be part of the development plan or become “out of date” as identified in paragraph 213 of the NPPF. Significant weight should be given to the general public interest in having plan-led decisions even if the particular policies in a development plan may be old, and weight can be attributed to policies based on their compliance with the requirements of the NPPF.
- 3.3. 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. The countryside is identified as the areas outside of those categories of settlement referred to above. Great Finborough is classed as a Primary Village within the Core Strategy Development Plan and therefore development within its settlement boundary is likely to be supported. The application site is situated outside the settlement boundary although it does sit adjacent to it.

- 3.4. Policy CS2 of the Core Strategy restricts development in the countryside to defined categories. This list of allowable development explicitly excludes the creation of market housing such that the proposed development does not fall within any of the listed categories.
- 3.5. Policy H7 of the Local Plan 1998 seeks to restrict housing development in the countryside in the interests of protecting its existing character and appearance.
- 3.6. The proposal site is located in the countryside and is therefore inconsistent with policies CS1, CS2 and H7.
- 3.7. However, the exceptional circumstances test at Policy CS2 applies to all land outside the settlement boundary, as does saved Policy H7. This blanket approach is not consistent with the NPPF, which favours a more balanced approach to decision-making. The NPPF does contain a not dissimilar exceptional circumstances test, set out at paragraph 79, however it is only engaged where development is isolated. The definition of isolation with regards to this policy has been shown within court judgements to relate to physical isolation, only. Given the proximity of residential development to the application site, it cannot be considered to be isolated for the purposes of paragraph 79.
- 3.8. Having regard to the advanced age of the Mid Suffolk settlement boundaries and the absence of a balanced approach as favoured by the NPPF, the statutory weight attached to the above policies is reduced as required by paragraph 213. The fact that the site is outside the settlement boundary is therefore not a determinative factor upon which the application turns.
- 3.9. The presumption in favour of sustainable development and the need for a balanced approach to decision making are key threads to Policy FC01 and FC01_1 of the Core Strategy and are also the most recent elements of the Mid Suffolk development plan, adopted in 2012.
- 3.10. Paragraph 11d) of the NPPF is relevant, it requires that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed;
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 3.11. The NPPF requires that development be sustainable and that adverse impacts do not outweigh the benefits to be acceptable in principle. Paragraph 8 of the NPPF sets out three dimensions for sustainable development, economic, social and environmental:
 - An economic role - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
 - A social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
 - An environmental role - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources

prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

- 3.12. The provision of 28 dwellings would give rise to employment during the construction phase of the development. Furthermore, future occupiers of the development would be likely to use local services and facilities. Both factors will be of benefit to the local economy, furthering the economic dimension of sustainable development.
- 3.13. In respect to the provision of new housing, the development would provide a benefit in maintaining the Districts current housing supply through the addition of 28 dwellings of which 9 would be affordable.
- 3.14. The application site, despite being in a 'countryside' location is considered to be in a sustainable location due to the accessibility to the existing services and facilities offered nearby, including by sustainable modes of transport, as detailed further below in Section 4, and is therefore considered acceptable in principle.

4. Nearby Services and Connections Assessment Of Proposal

- 4.1. Paragraph 79 of the NPPF (2018) seeks to promote sustainable development in rural areas advising that housing should be located where it will enhance or maintain the vitality of rural communities, and recognises that where there are groups of smaller settlements, development in one village may support services in a village nearby.
- 4.2. The application site is located in the countryside, however, it is situated adjacent to the village settlement boundary. Great Finborough is designated in the Mid Suffolk Local Plan (1998) as a Primary Village and is such served by some local services and facilities including a Primary School, Parish Church, large independent school, village hall and public house. These facilities are all within both walking and cycling distances. There is a continuous footpath along the B1115.
- 4.3. Although the village lacks a village shop it is close to Stowmarket and the supermarket facilities therein [albeit a short drive]. These include Asda, Tesco, Lidl, Co-Op Londis supermarkets in Stowmarket. Furthermore, Stowmarket Station is approximately 2.36 miles away and Elmswell Station approximately 4.18 miles.
- 4.4. There are bus stops directly adjacent to the site, to the north and east although it is acknowledged that these bus services are currently limited.
- 4.5. Whilst the village lacks many of the services that you would associate with a sustainable location [e.g. village shop, surgery, decent bus service] its proximity to Stowmarket means that just a short quick car journey away are all the facilities associated with a settlement that sits at the apex of the Districts' Settlement Hierarchy. [the 'Town' of Stowmarket]. In the circumstances it is not considered reasonable to consider Great Finborough to be isolated or remote (and nor is the site isolated such that it engages NPPF para 79).

5. Site Access, Parking And Highway Safety Considerations

- 5.1. A new vehicular access would be created off High Road (B1115).

- 5.2. SCC Highways initially raised concerns with regards to the visibility splays as these were considered to be inappropriate, however, revised information has been submitted and they no longer object to the proposal.
- 5.3. SCC Highways has stated that the proposal for 28 dwellings would create approximately 20 vehicle movements within the peak hour (1 vehicle every 3 minutes) and therefore the additional vehicles from the development will not affect the capacity of the highway network in the area.
- 5.4. There are existing bus stops within easy walking distance of the site with footway links although it is noted that currently SCC are only supporting the bus service until the end of March 2020 and alternative funding will need to be sought in order to keep the current bus services running.
- 5.5. SCC Highways recommend a number of condition be imposed in relation to visibility splays, footpaths and other access works.
- 5.6. Parking for the proposed dwellings would be provided to the required Suffolk Parking Guidance.
- 5.7. In light of this, the proposal is considered to accord with the NPPF and comply with the requirements of Local Plan Policies T9 and T10.

6. Design And Layout [Impact On Street Scene]

- 6.1. Policy CS5 requires development to be of a high-quality design that respects the local distinctiveness and the built heritage of Mid Suffolk, enhancing the character and appearance of the district.
- 6.2. Policy H13 of the Local Plan requires new housing development to be expected to achieve a high standard of design and layout and be of a scale and density appropriate to the site and its surroundings, whilst Policy H15 of the Local Plan similarly requires new housing to be consistent with the pattern and form of development in the area and its setting.
- 6.3. Policy GP1 of the Local Plan states that proposals comprising poor design and layout will be refused, requiring proposals to meet a number of design criteria including maintenance or enhancement of the surroundings and use of compatible materials.
- 6.4. Paragraph 124 of the NPPF attaches great importance to the design of the built environment, stating that good design is a key aspect of sustainable development. The aforementioned design policies are considered to be consistent with the NPPF.
- 6.5. In negotiating the layout of this development officers have successfully sought to encourage the applicant [and his architect] to re-think the overall layout to create a place that is sensitive to this rural setting and proximity to a listed building. The amended layout has successfully steered away from a regimented suburban character towards a more organic distribution of properties that better reflects a rural location. [albeit that much of the recent development in Great Finborough has unfortunately imposed an element of ubiquitous suburbia into the townscape]
- 6.6. In order to achieve the desired character the overall number of units needed to be reduced from 32 to 28 and this has allowed for a looser arrangement of dwellings organised to create two design centrepieces. One overlooks a new 'village green' and the other looks out onto what should read as what might have been a 'traditional' village pond.
- 6.7. Within the amended layout the edge of the proposed development has been pulled away from the boundary with Buxhall Lodge even further than originally proposed and this has opened up a large

area of open space that creates the opportunity to have frontages overlooking it - village green style. this now means there are no longer unsightly back fences framing the space. This is visually preferable, creates a greater sense of security for adjacent occupiers, allows the space to be surveilled and means the space now is functionally part of the overall design rather than just dead space tucked away at the back of the site.



Figure 1: The proposed western edge

- 6.8. At the front of the site considerable effort has gone into redesigning the layout in order to achieve a space that has development on three sides of what might have been a village pond with open views from the fourth side [High Road]. This successful transformation will enhance the overall quality of the development and will now mean that the space contributes to the townscape quality of this part of the village in no small part as a result of now being visually integrated with it rather than presenting its back to it or presenting a suburban face to it. It should no longer read as being apart.



Figure 2: The proposed site frontage around the new 'village pond'

- 6.9. Within the large new open space on the western side of the site will sit a drainage basin that will deliver a SuDS drainage solution as well as the potential for a new habitats.
- 6.10. The bullet nosed northern end of the site which sits at the back of the fork in the roads (High Road and an unnamed road] has been carefully redesigned to present frontages to the street thereby creating a visual focal point on this prominent corner. Pedestrian/cycle access is provided into the development from this corner and this feeds into a network of routes throughout the development to create excellent permeability and accessibility.
- 6.11. Development on the western edge of the site [overlooking the new 'village green'] is in large part road free which further enhances the rural character of this part of the development and reduces the visual impact made by the car.

- 6.12. The proposed layout and the sympathetic house types are considered to make a positive contribution to the overall townscape of the village and represent a step forward in the quality of design being achieved within our villages.
- 6.13. The residential streets will be defined by planting of hedgerows and trees reflective of the local area. Hedgerows will be used to define frontages and ownership boundaries, brick walls and fencing will be used as boundary treatments for some plots.
- 6.14. The design and layout proposed is considered to respect and reflect the character of the locality, whilst also creating its own individual character as to allow for understanding of the evolution of the area. This is considered to be acceptable and to comply with Local Plan Policies GP1, SB2, H2, H13 and H15, Core Strategy Policy CS5.

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

- 7.1. Policy CS5 of the development plan 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.
- 7.2. The NPPF provides that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils.
- 7.3. The NPPF requires planning authorities, when determining planning applications, to seek the conservation and enhancement of biodiversity by ensuring significant harm resulting from a development is avoided (through locating on an alternative site with less harmful impacts), or where not possible to be adequately mitigated, or, as a last resort, compensated for, and if this cannot be secured then planning permission should be refused.
- 7.4. An Ecology Report supports the application.
- 7.5. There will be no loss of significant trees and significant landscape planting will offer enhanced local arboricultural values.

8. Land Contamination, Flood Risk, Drainage and Waste

- 8.1. Environmental Health confirm that there is no objection to the proposal in this regard.
- 8.2. SCC Flood & Water Management currently have a holding objection due to a requirement for additional technical detail to demonstrate that there is a viable surface water drainage strategy. It is expected that a technical engineering solution is possible that involves either a full or hybrid SuDS solution and that this issue can be satisfactorily resolved through continued dialogue and exchange of information in the event that the recommendation in this report is agreed.
- 8.3. it is therefore recommended that should Members be minded to resolve to grant this proposal that this be subject to all drainage matters being resolved during the course of the S106 negotiations. In the event that these matters cannot be fully resolved the S106 will not be completed and the application will be returned to Committee.

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

- 9.1. To the west of the site is the Grade II listed Buxhall Lodge. Buxhall Lodge is a timber framed former farmhouse dating back to the early 18th century with the rear range potentially dating back to earlier than this. To the southeast of the site on the east side of High Road is Thatched Cottage which is also a Grade II listed building.
- 9.2. The heritage concern relates to the potential impact of the development in the setting of the listed buildings.
- 9.3. A number of amendments to the proposed site layout have been made as a result of earlier comments received from the Heritage Team.
- 9.4. The proposal is for the erection of 28 dwellings. To the west of the site an attenuation basin is proposed together with a large area of open space. The open space and attenuation basin are proposed to preserve the rural character and the setting of the former farmhouse somewhat.
- 9.5. The Heritage Team has been consulted and object to the proposal as it is considered that the proposal would cause a medium level of less than substantial harm to the designated heritage assets. It is considered that it would erode the rural character and setting of Buxhall Lodge. The Heritage Team consider that the amended layout has only changed in modest terms and has not addressed the previous issues raised and the proposed scheme remains suburban in character.
- 9.6. The duty imposed by s.66(1) of the Listed Buildings Act 1990 imposes a presumption against the grant of planning permission which causes harm to a heritage asset (*South Lakeland DC v Secretary of State for the Environment* [1992] 2 AC 141). A finding of harm, even less than substantial harm, to a listed building or the setting of a listed building is a consideration to which the decision-maker must give "considerable importance and weight" (*Bath Society v Secretary of State for the Environment* [1991] 1 W.L.R. 1303).
- 9.7. Here, the Heritage Officer is of the view that the development does cause harm to the heritage asset (albeit a medium level of less than substantial harm within the meaning of paragraph 196 of the NPPF).
- 9.8. Paragraph 196 of the NPPF requires the decision taker to balance the harm against the public benefits of the proposal. Officers feel that the level of harm is insufficient to refuse the development against the wider benefits of housing supply, economic growth (through higher local spending, supporting services and facilities), good design and use of this particular site. This is even the case where a considerable importance has been attached to the harm identified when carrying out that balance.
- 9.9. Public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the National Planning Policy Framework (paragraph 8). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.
- 9.10. From Woolpit Public Inquiry Appeal benefits were defined as follows and are applicable to this development.
 - An increase in the provision of housing numbers at a time of pressing need
 - An increase in choice and type of homes
 - Affordable housing provision
 - Employment opportunities during the construction phase

- Residents would be likely to use the local shops and services within the settlement making a positive contribution to their vitality and viability
- Footpath improvements to the village centre and the wider countryside
- Highway works

9.11. In the light of the above and the requirements of paragraph 196 of the NPPF it is considered that the proposal offers the following public benefits:

- Increase in the number of available housing as well as the provision of affordable housing
- Future occupiers would use local shops and services available to them
- Employment opportunities during the construction phase

which together outweigh the less than substantial harm identified by the heritage team. The proposed landscaping is considered to preserve its setting to the south and east.

10. Impact On Residential Amenity

- 10.1. The proposed layout is such that the proposed dwellings are well-separated from the existing properties which lie either adjacent or in close proximity.
- 10.2. Given the intervening public spaces, fogs, separation distances and the layout, the proposal is not considered to result in harm to residential amenity to consider refusal in this regard.
- 10.3. The proposal is not considered to cause unacceptable harm to existing neighbouring residential amenity, or to result in unacceptable levels of privacy and amenity to the proposed dwellings as to consider refusal in this respect.
- 10.4. There is potential impact of construction on the access and impact on neighbouring properties during construction, a construction management condition is proposed, to ensure that the working hours, demolition and construction methods, parking and storage etc are controlled to provide protection to residential amenity. This includes phasing of the development to ensure that the impacts of the construction are limited wherever possible.

11. Planning Obligations / CIL

- 11.1. The proposal is for the erection of 28 dwellings with 35% 9 affordable proposed. A S106 Agreement is to be sought to ensure that these dwellings are delivered as affordable dwellings and can be offered in accordance with the Council's nomination rights and allocated through Choice-based lettings system.
- 11.2. A play space also needs to be secured by S106 along with the delivery and maintenance of the main open space.
- 11.3. All the other infrastructure impacts of the proposal would be subject to funding via CIL.

PART FOUR – CONCLUSION

12. Planning Balance and Conclusion

- 12.1. The site is not allocated in the Adopted Development Plan and Great Finborough does not benefit from a neighbourhood plan. There should be a plan-led approach to growth, however, the Council's

housing policies in so far as they relate to the allocation of new housing are considered to be out of date. It is clear that the Council therefore relies upon development outside of existing settlement boundaries to meet its ongoing housing need and is required to exercise the tilted balance prescribed by Paragraph 11[d] of the NPPF. Therefore, while the application does not comply with the development plan when taken as a whole, there are other material considerations which warrant careful review and weighting in the planning balance. It is officers view that such considerations indicate that a decision should be taken at variance to the development plan.

- 12.2. The fact that the development is outside of the settlement boundary should not of itself be fatal to the application. In that regard, it must be noted that the whole site is in any event proposed to be within the settlement boundary and therefore allocated for development within the emerging Joint Local Plan.
- 12.3 The village and its location close to all the services, facilities and transport nodes within Stowmarket is considered to be sustainable. The proposed development is considered to be of a scale and character that will sit comfortably within the context of the wider village and is in itself considered sustainable.
- 12.3. In this case the adverse environmental impact, associated with harm to the landscape arising from the introduction of development to an otherwise undeveloped parcel of agricultural land and loss of agricultural land does not significantly and demonstrably outweigh the benefits of the development,
- 12.4. It is not considered to result in adverse impacts to outweigh the benefits, such that the proposal is recommended for approval.

RECOMMENDATION

That

(1) Subject to the satisfactory submission of surface water drainage details and then the prior agreement of a Section 106 Planning Obligation on appropriate terms to the satisfaction of the Chief Planning Officer to secure:

- Affordable housing [9 dwellings]
- On site open space and includes management of the space to be agreed and requirement for public access at all times.

Then:

(2) 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:

- Standard time limit (3yrs for implementation of scheme)
- Approved Plans (Plans submitted that form this application)
- Phasing Condition (To allow phasing of the development and allows spreading of payments under CIL)
- External Materials to be submitted and chosen from traditional vernacular palette
- Swift boxes installation scheme to be agreed
- Hedgehog fencing scheme to be agreed
- SuDs conditions
- Energy and Renewables scheme
- Rainwater harvesting to be agreed
- Construction Plan to be agreed.
- Level access to enable wheelchair access for all dwellings/buildings.

(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

(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 [or such time as the Chief Planning Officer may consider a realistic and reasonable extension to finalise advanced drafting] that the Chief Planning Officer be authorised to refuse the application on appropriate grounds where he considers this appropriate. Depending on the issues that are unresolved he may decide to refer the application back to the Committee for determination.