

## Committee Report

Item 7A

Reference: DC/19/01401 & DC/19/01649

Case Officer: Jack Wilkinson

Ward: Bramford

Ward Members: Cllr James Caston

---

### **RECOMMENDATION – GRANT OUTLINE PLANNING PERMISSION SUBJECT TO CONDITIONS AND S106**

---

#### **Description of Development**

Outline Planning Application (some matters reserved) - Residential development of up to 115 dwellings and access, including open space and landscaping.

#### **Location**

**Address:** Land To The South Of Fitzgerald Road, Bramford, Suffolk

**Parish:** Bramford

**Site Area:** 9.08 ha

**Conservation Area:** Not in Conservation Area

**Listed Building:** Not listed

**Received:** 21/03/2019

**Expiry Date:** 07/02/2020

---

**Application Type:** Outline Planning Permission

**Development Type:** Major Large Scale Dwellings

**Environmental Impact Assessment:** N/A

**Applicant:** Mrs R M Wintour & Hopkins Homes Ltd

**Agent:** Strutt & Parker

---

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

---

The application is referred to committee for the following reason:

- The application is a Major Application, requiring determination by Planning Committee as the number of residential units proposed exceeds 15 no. in total.

---

**\*\*THESE APPLICATIONS ARE IN DUPLICATE, THUS THE INFORMATION GIVEN REFERS TO BOTH\*\***

**Details of Previous Committee / Resolutions and Member Site Visit**

None.

---

**PART TWO – APPLICATION BACKGROUND**

---

**Summary of Policies**

FC01 - Presumption In Favour of Sustainable Development  
FC01\_1 - Mid Suffolk Approach to Delivering Sustainable Development  
FC02 - Provision and Distribution of Housing  
CS01 - Settlement Hierarchy  
CS02 - Development in the Countryside & Countryside Villages  
CS03 - Reduce Contributions to Climate Change  
CS04 - Adapting to Climate Change  
CS05 - Mid Suffolk's Environment  
CS06 - Services and Infrastructure  
GP01 - Design and layout of development  
HB14 - Ensuring archaeological remains are not destroyed  
H07 - Restricting housing development unrelated to needs of countryside  
H13 - Design and layout of housing development  
H14 - A range of house types to meet different accommodation needs  
H15 - Development to reflect local characteristics  
H16 - Protecting existing residential amenity  
H17 - Keeping residential development away from pollution  
T09 - Parking Standards  
T10 - Highway Considerations in Development  
RT04 - Amenity open space and play areas within residential development  
CL08 - Protecting wildlife habitats

**Other Material Planning Documents**

National Planning Policy Framework (2019)  
Nationally Described Space Standards (2019)  
Suffolk Adopted Parking Standards (2015)  
Suffolk Design Guide (2000)

**Emerging Local Plan**

LA006 - Allocation: Land south of Fitzgerald Road, Bramford

**Neighbourhood Plans**

Bramford Parish Plan and Village Design Statement (2012) - The application site is not identified within the Parish Plan Area. The Parish Plan does not form part of the development plan but is considered to be a material consideration.

Sproughton Neighbourhood Plan (2020) - The application site is not identified within the Neighbourhood Plan Area. Accordingly, the Neighbourhood Plan carries little weight.

### **Pre-Application Advice**

Advice issued on 30/10/2018 under reference DC/18/03358. Response was largely linked to the land supply position at the time including a much larger scheme of 175 units.

### **Consultations and Representations**

During the course of the application consultation and representations from third parties have been received. These are summarised below.

#### **Bramford Parish Council**

Objection:

- Adverse impacts on visual landscape
- Car dominated development
- Concerns over access on highway safety
- Concerns over the impacts on the footpaths
- Consider the application unsustainable
- The recent loss of the main bus service, the proposal would increase the number of car-dependent users
- Concerns over the flood risk
- Concerns that location of the development adjacent to the Public Right of Way is contradictory with County Council policies.
- Concerns over the visual landscape loss

#### **Sproughton Parish Council**

Objection:

- Concerns over the proposed traffic layout and travel plan
- Fears over the impact on ecology and wildlife
- Concerns over the visual landscape impact

### **A: National Consultee Responses**

#### **NHS England**

No objection. A developer contribution through CIL would be required to meet the Cost of Additional Capital Funding for Health Service provision arising from the development.

#### **Highways England**

No objection.

#### **Anglian Water**

No objection.

#### **Natural England**

No objection. It has been identified that this development site falls within the 13 km 'Zone of Influence' (Zol) of one or more of the European designated sites set out in the emerging Suffolk Recreational Disturbance Avoidance and Mitigation Strategy ('RAMS'). In the context of your duty as competent authority under the provisions of the Habitats Regulations<sup>2</sup>, it is therefore anticipated that, without mitigation, new residential development in this location is 'likely to have a significant effect' on one or more European designated sites, through increased recreational pressure, either when considered 'alone' or 'in combination' with other plans and projects.

Natural England agrees with the conclusion of the Local Authority's appropriate assessment record that this proposal is not likely to result in an adverse effect on any international site from recreational disturbance effects.

## **B: County Council Responses**

### **SCC Highways**

No objection. The development would not have a severe impact on Highways and therefore not objection, subject to conditions relating to; access configuration, visibility, surface water discharge, HGV movements, loading / unloading and refuse / recycling. Contributions will also be sought as a means of highways mitigation, secured through respective S106 and S278 agreements.

### **SCC Travel Plan Officer**

No objection.

### **Suffolk Health Authority**

No objection. The proposal should include considerations for healthy communities (active travel, food environment etc).

### **SCC Minerals**

No objection.

### **SCC Floods and Water**

No objection. Approval recommended subject to FRA recommendations and SUDS conditions.

### **SCC Archaeology**

No objection. No grounds significant to warrant refusal. However, based on the archaeological potential of the site, two standard pre and post-investigation conditions are recommended.

### **Suffolk Fire and Rescue**

No objection. Standard conditions are recommended.

### **SCC Developers Contribution**

No objection. Infrastructure requirements split between Community Infrastructure Levy (CIL) and S106. This includes the expansion of the Primary, Secondary and Sixth Form schools, improvements to the library, waste infrastructure, new Early Years building, and Highways contributions.

## **C: Internal Consultee Responses**

### **Arboricultural Officer**

No objection.

### **Public Realm**

No objection. The Public Realm Team support the level of public open space and play provision as indicated on the plans for this development. We would welcome the opportunity to be consulted about the specific play provision within the LEAP at a later date to enable a robust and varied play area to be achieved.

The District Council would not seek to adopt this area on completion and would require a local solution to be achieved for future management of the open spaces and play area.

### **Communities**

No objection. Concur with the Public Realm response as of 16/01/2020.

### **Strategic Housing**

No objection. Recommends that Affordable Rent (30 no. units) and Shared Ownership (10 no. units) be delivered through S106. All units to be NDSS compliant, totalling 35% of the development (40 no. units in total).

### **BMSDC Heritage Team**

Low level of less than substantial harm. The Heritage Team previously identified the potential for a low level of less than substantial harm to the significance of Runcton House (Grade II), Street Farm Cottage (Grade II) and the Church of St Mary (Grade I). The proposed development has now been amended, with a reduction of 60 dwellings. Although the layout of the proposed development is not a reserved matter at this point, the indicative master plan shows that this could leave the southern section of the site undeveloped.

The layout as shown on the indicative master plan would reduce the negative impact of the proposed development on the setting, and therefore the significance, of Runcton House. Leaving the southern section of the site undeveloped would leave the listed building set apart from existing development and better preserve its rural setting. The potential impact on Street Farm Cottage and the Church of St Mary remains unchanged.

The amendments have, therefore, reduced the potential level of harm to Runcton House to none/negligible, however the potential level of harm to Street Farm Cottage and the Church is still considered to be a low level of less than substantial harm. The full extent of the harm would still depend on layout, distribution of building types and building heights, design, boundary treatment, etc.

### **Environmental Health – Noise/Light/Smoke/Odour**

No objection. Conditions recommended including Construction and Environmental Management Plan in the interest of nearby residents.

The dominant noise source affecting the proposed development is road traffic from the B1113 (Lorraine Way). The dwellings to the north will also be exposed to road traffic noise from Fitzgerald Road. Noise from the A14 (more than 700m to the west) is audible during lulls in road traffic on Lorraine Way and Fitzgerald Road.

The criteria for indoor ambient noise levels for proposed dwellings facing Lorraine Way and Fitzgerald Road can be met by installing standard thermal double-glazing windows and non-acoustic trickle ventilators. The criteria for indoor ambient noise levels for dwellings which are shielded from the roads can be achieved with open windows. This is subject to the final layout of the scheme.

Noise levels in external living areas are predicted to be within the recommended criteria. The Final layout of the scheme should be designed to meet the recommendations in the SRL report to ensure that the internal and external noise levels are within the BS 8233:2014 criterion for both internal ambient noise levels and those for outdoor amenity spaces.

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

No objection.

#### **Environmental Health Air Quality**

No objection.

#### **Environmental Health - Sustainability**

Objection. We have reviewed this application and while we note it is for outline permission, we are disappointed that there is no mention, consideration or allowance for sustainability features and measures. As there is no information on these topics there is nothing upon which we can make an informed decision therefore we must request refusal of permission, and any permission should be subject to planning conditions.

#### **Waste Services**

No objection. Conditions recommended.

### **D: Any Other Consultee Responses**

#### **East Suffolk Internal Drainage Board**

No objection. Initial testing shows that a drainage strategy reliant on infiltration is likely to be achievable on the proposed development. If for any reason a strategy wholly reliant on infiltration does not prove viable and a surface water discharge is proposed to a watercourse within the IDD (directly or indirectly), then the proposed development will require land drainage consent in line with the Board's byelaws (specifically byelaw 3).

#### **Place Services – Ecology**

No objection. Recommend approval of the application subject to ecology mitigation, skylark mitigation, landscape and ecological management plan, biodiversity enhancement strategy and lighting design.

## **Place Services – Landscape**

No objection. Conditions recommended in relation to advanced planting, management plan, landscaping scheme and integrated SUDS. We welcome the revised Landscape and Visual Impact Assessment (LVIA) that has been submitted. The LVIA now includes a section on cumulative impacts that takes into consideration two further planning applications on the northern settlement edge of Sproughton. As identified, there are no 'in combination views', however there are 'Sequential views'. These have been appropriately assessed and we accept that, in combination, effects will be 'minor adverse'.

Similarly, we are satisfied that the overall landscape and visual assessment accurately represents the likely scale of effect. The majority of the views will be adversely impacted upon, with many attaining a 'moderate' to 'major' adverse scale of effect/importance result. All the PRoWs have been assessed as having a minimum of moderate adverse scale of effect. Although all the surrounding PRoWs have importance, given the additional significance of the nearby Special Landscape Area (SLA) we would deem that views from the Gipping Valley River walk have significant importance and therefore we would be looking to reduce the scale of effect from these views as much as attainably possible. For this reason we would recommend that substantial mitigation planting is proposed on the south west boundary. This should be planted in advance of any development to allow it to establish and provide some maturity to the landscape scheme.

Furthermore, the indicative landscape masterplan (Dwg ref. GUA-DR-L-001 Rev. P01) provides a detailed explanation of the landscape principles, planting strategies and enhancements proposed.

The proposal presents a high-quality landscape scheme with SuDS, native planting and natural play features proposed. As demonstrated in Policy CS5 of the Mid Suffolk Core Strategy (MSDC) Development Plan document (Adopted 2008) 'The Council will 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 encourage development that is consistent with conserving its overall character.

## **Suffolk Wildlife Trust**

No objection. Conditions suggested in line with ecology report.

## **E: Representations**

DC/19/01401 produced 323 and DC/19/01649 produced 274 3<sup>rd</sup> party objections. These are summarised as follows:

- Highways safety (traffic/travel plan)
- Construction timings
- Visual landscape impacts
- Ecology
- Development on a greenfield site
- Light Pollution
- Loss of Open Space

- Loss of Outlook
- Out of Character with the Area
- Scale
- Sustainability
- Conflict with District plan
- Conflict with Neighbourhood Plan
- Development too high
- Dominating/Overbearing
- Fear of Crime
- Inadequate parking provision
- Inadequate public transport provisions
- Increase danger of flooding
- Increase in Anti-Social Behaviour
- Increase in Pollution
- Capacity of existing schools

---

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

---

From an assessment of relevant planning policy and guidance, representations received, the planning designations and other material issues the main planning considerations considered relevant to this case are set out including the reason/s for the decision, any alternative options considered and rejected. Where a decision is taken under a specific express authorisation, the names of any Member of the Council or local government body who has declared a conflict of interest are recorded.

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

- 1.1 The application site comprises 9.08 hectares of agricultural land situated on the southern edge of Bramford (a Key Service Centre). The site forms the entirety of a field parcel, extending from the village edge south towards Sproughton. The site is located in the countryside as defined by Mid Suffolk Local Plan and Core Strategy at this time, but is allocated (Ipswich fringe) for 100 dwellings in the emerging Local Plan.
- 1.2 The topography of the site is predominately flat, although there is a gentle decline towards the south towards river and commercial stables. In terms of ground cover, the site is relatively open to the centre with established hedgerows and trees to the periphery.
- 1.3 Fitzgerald Road (from which the site is proposed to be accessed) serves a number of mainly post war properties situated north of the site, which extends from an arterial vehicular highway known as the B1113 which flanks the site west. The site lies within the immediacy of existing development, with residential properties positioned to the north and north-east of the site. Residential units, stables and farmyard are also situated to the south.

- 1.4 The site is identified as being within Grade 2 and 3 agricultural land, divided centrally, and located west of the Gipping Special Landscape Area. The site is not in a vulnerable flood zone area and is not within or adjacent to a Conservation Area, nor is it within or adjacent to an Area of Outstanding Natural Beauty, Site of Special Scientific Interest, Air Quality Management Area, Local Green Space, Area of Visual/Recreational Amenity, or any other land. The site is otherwise visually unconstrained.

## **2 The Proposal and Site History**

- 2.1 The application is described as; “*Outline Planning Application (some matters reserved) - Residential development of up to 115 dwellings and access, including open space and landscaping*”.
- 2.2 In practice, the only matters for consideration here are the principle and the access. With appearance, layout, scale and landscaping being left to the Reserved Matters stage.
- 2.3 The application is supported by a suite of plans. Key elements of the indicative layout are as follows:
- Construction of 2 no. new vehicular and pedestrian access points into the site from Fitzgerald Road, in order to serve the development.
  - Quantum mix of detached, semi-detached and terraced units.
  - 12.7dpHa (gross) / 27.9dpHa (net)
  - Allocated parking and driveway areas, with private drive accesses.
  - Landscape buffer to western edge set across 0.75Ha
  - Play area
  - Green corridor which follows the established PROW, with inclusive public open space areas, natural play trail and pedestrian footpaths set across 4Ha.
  - Flood attenuation area and swales
  - 35% Affordable Housing provision (40 no. dwellings).

## **3 The Principle of Development**

- 3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, then that determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 3.2 The National Planning Policy Framework (NPPF) of 2019 contains the Government's planning policies for England and sets out how these are expected to be applied. Planning law continues to require that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. The policies contained within the NPPF are a material consideration and should be taken into account for decision-making purposes.

- 3.3 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.
- 3.4 Even if policies are considered to be out of date, that does not make them irrelevant; their weight is not fixed, and the weight to be attributed to them is within the remit of the decision taker. There will be many cases where restrictive policies are given sufficient weight to justify refusal despite their not being up to date. The weight attributed to development plan policies should be apportioned according to their degree of consistency with the NPPF. The closer a policy is to the NPPF, the greater the weight that can be attributed to them.
- 3.5 The NPPF requires Councils to identify and update, on an annual basis, a supply of specific deliverable sites to provide for five years’ housing provision against identified requirements (Paragraph 73). For sites to be considered deliverable, they have to be available, suitable, achievable and viable. The District is able to demonstrate a five-year housing land supply.
- 3.6 Policy CS1 of the Core Strategy identifies a settlement hierarchy so as to sequentially direct development, forming part of a strategy to provide for a sustainable level of growth. The Policy identifies categories of settlement within the district, with towns representing the most preferable location for development, followed by the Key Service Centres, Primary then Secondary Villages.
- 3.7 The Core Strategy Focused Review (2012) identified this change in line with the National Planning Policy Framework. Reflecting this policies FC1 – Presumption in favour of sustainable development and FC1.1 – Mid Suffolk approach to delivering sustainable development identify a more positive approach to proposed development.
- 3.8 It should be noted however that policy FC2 – Provision and distribution of housing seeks to identify the number of dwellings in Key Service Centres that should come forward on greenfield sites, 100 between 2017 to 2022 and 200 from 2022 to 2027.
- 3.9 The NPPF identifies in paragraph 213 that the weight attributed to policies should be according to their degree of consistency with the NPPF. The closer the aims of the policy are to the NPPF the greater the weight that can be attributed to them. The NPPF also identifies that planning decisions should apply the presumption in favour of sustainable development (paragraph 11):

*“For decision-taking this means:*

*c) approving development proposals that accord with an up-to-date development plan without delay;*

*or d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*

- 3.10 Footnote 7 of the NPPF confirms that “out-of-date” includes the situation where the local planning authority cannot demonstrate a five year supply of deliverable housing sites or where the Housing Delivery Test indicates that the delivery of housing was less than 75% of the housing requirement over the previous three years. In this instance the Council can demonstrate a sufficient land supply, as shown in the Mid Suffolk District Council Housing Land Supply Position Statement 2019/2020 – 2023/24. This is a material planning consideration, but first the weight attributed to policies in the development plan must be ascertained.
- 3.11 The policies most important for determining the application are policy H7 of the local plan, CS1 and CS2 of the Core Strategy and FC2 of the Core Strategy Focused Review. These are considered to carry less weight as they are not entirely consistent with the aims of the NPPF. Policy FC1 of the Core Strategy Focused Review repeated the requirements of the former paragraph 14 of the NPPF (2012), which is replaced now with paragraph 11 (NPPF 2019) which is the more relevant consideration, and so this policy is given less weight. Policy FC1.1 seeking to conserve and enhance the local character of different parts of the district, is up-to-date and relevant to this application. These two policies seek to promote the principles of sustainable development.
- 3.12 The proposal site is located outside of a defined Settlement Boundary, in the countryside, and is therefore in conflict with Policy CS1 of the Core Strategy. The proposal represents housing development in the countryside, and in applying the principle of policy, the proposal is inconsistent with the aims and objectives of CS1.
- 3.13 However, LPA Officers acknowledge a planning appeal in *Woolpit (reference: APP/W3520/W/18/3194926)*, which does reduce the weight of CS1 and other policies given the age of the Local Plan and conflicts with the NPPF. CS1 is therefore ‘weighted’ accordingly and the principle of the proposal is not solely considered to turn on this issue, consideration is also therefore given to the requirements of the NPPF.
- 3.14 Further to the consideration of CS1, Policy CS2 states that in the countryside development will be restricted to defined categories in accordance with other plan policies which include (inter alia) rural exception housing. This housing may comprise; agricultural workers’ dwellings; possible conversion of rural buildings; replacement dwellings; affordable housing on exception sites; sites

for Gypsies and Travellers and travelling show-people; the extension of dwellings; and the reuse and adaptation of buildings for appropriate purposes. The proposal does not constitute any of the category of housing types listed in Policy CS2. The site is not a rural exception site. There is no support for the proposal through Policy CS2.

- 3.15 Saved Policy H7 of the Local Plan states that in the interests of protecting the existing character and appearance of the countryside, outside settlement boundaries there will be strict control over proposals for new housing. The provision of new housing will normally form part of existing settlements. There is no support for the proposal through Policy H7.
- 3.16 Emerging Local Plan Policy LA006 identifies the site (in part) as being earmarked for residential housing development. The policy states:

*“LA006 – Allocation: Land south of Fitzgerald Road, Bramford  
Site Size - 4.18ha*

*Approximately 100 dwellings (with associated infrastructure)  
The development shall be expected to comply with the following:  
I. The relevant policies set out in the Joint Local Plan;  
II. Design, layout and landscaping is sympathetic to the close setting of heritage assets;  
III. Public rights of way which passes through the site is retained and enhanced;  
IV. Surface water flood risk is effectively mitigated;  
V. Contributions to the satisfaction of the LPA, towards pre-school and primary school provision;  
VI. Contributions to the satisfaction of the LPA, towards healthcare provision;  
VII. Contributions to the satisfaction of the LPA, towards additional Household Waste Recycling provision;  
VIII. Contributions, to the satisfaction of the LPA, for improving for improving local pedestrian links; and  
IX. Contributions to the satisfaction of the LPA, towards junction improvements on the A1071/B1113.”*

- 3.17 A recent planning appeal in *Long Melford* (reference: APP/D3505/W/18/3214377) relates to development with a close functional relationship to the settlement boundary, even if the Council are able to demonstrate a 5 year housing land supply.
- 3.18 In essence, sites which present as ‘edge of settlement’ or provide a ‘close functional relationship’ to the settlement boundary should be granted unless material considerations indicate otherwise, irrespective of whether the Council is able to demonstrate a five-year housing land supply, or not.
- 3.19 It cannot be ignored that the policies most important for determining the application do not accord with the NPPF. Therefore less weight will still be

given to these policies as identified above. Whilst tension with the development plan exists and is noted, that tension is considered to be less significant as a consequence, in light of the lesser weight afforded to the most important development plan policies relevant to this application where they are not consistent with the NPPF.

- 3.20 Therefore an assessment against the development plan is made, considering the material consideration of the NPPF and the purpose of the planning system to contribute to the achievement of sustainable development. The conclusion to this report will then consider whether the development should be approved, and whether the harms of approving would be outweighed by the benefits of the scheme.
- 3.21 The proposal is in a sustainable location on the edge of the settlement boundary, within walking distance of a good range of local services. The proposed development is visually well related to the area, adjoining the settlement boundary.

#### **4 Sustainable Development**

- 4.1 Policy FC1 of the Mid Suffolk District Core Strategy Focused Review states that it takes a positive approach to sustainable development and, as with the NPPF requirements, the Council will work proactively with developers to resolve issues that improve the economic, social, and environmental conditions in the area. Related policy FC1.1 makes it clear that, for development to be considered sustainable, it must be demonstrated against the principles of sustainable development.
- 4.2 Paragraph 10 of the NPPF states; *“So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development”*.
- 4.3 Furthermore, as set out above the proposal shall be considered with regards to sustainability and the requirements of Paragraph 8 of NPPF.
- 4.4 Economic Dimension
- 4.5 The scheme will 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. The New Anglia ‘Strategic Economic Plan’ (April, 2014) acknowledges that house building is a powerful stimulus for growth and supports around 1.5 jobs directly and 2.4 additional jobs in the wider economy for every home built.
- 4.6 Furthermore, there will be a positive benefit through support of local amenities, facilities and services available in Bramford and surrounding villages from future owner / occupiers. Financially, the proposal would contribute to Council Tax, and also CIL although these are not material planning considerations but are included for completeness.

#### 4.7 Social Dimension

4.8 In respect of the provision of new housing, the development would provide a benefit in helping to meet housing need within the District through the delivery of additional dwellings, which would further be in an accessible location, making a contribution to securing a vibrant and sustainable community. The added benefits of an early years building and public open space enable further social advantages.

4.9 The proposal yields positive benefits through the potential for interaction by owner / occupiers within Bramford and surrounding villages. Positive contribution to the local community can in some instances generate stronger communities. The proposal provides a contribution to much needed housing, especially rural housing.

#### 4.10 Environmental Dimension

4.11 Paragraph 78 of the NPPF seeks to promote sustainable development in rural areas advising '*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 area may support services in another.

4.12 The site adjoins the settlement boundary of Bramford, presenting as 'edge of settlement' development within suitable walking distance to a range of local services, facilities and amenities.

4.13 The visual impact of the proposal set amongst the backdrop of the locality would not present unacceptable harm, and whilst there would be an inevitable change to the character of the existing agricultural land, there would be an opportunity to provide betterment through appropriate design, layout and landscaping. Whilst this would largely materialise at Reserved Matters stage, the visual aesthetics of the scheme could improve the locality. The scheme enhances the environmental character through biodiversity and ecology benefits, without unacceptable landscape harm reduced through mitigation along with energy efficiency measures which can be secured through future design.

4.14 The relationship to existing built development - Whilst the site is located outside of the defined Settlement Boundary, its relationship to the built-up area is suitably related. The settlement pattern of Bramford is relatively mixed as it extends east and west from the historic core. The settlement pattern is bunched, with the application site adjoining at the southern edge and northern and north-eastern flanks and, as such, in consideration of the extent of the defined red line outline, the proposal is spatially well-related. Certainly, the settlement pattern would not be disrupted in rhythm and form.

4.15 The relationship to facilities and services, and their accessibility – Whilst Officers acknowledge the site is located in the countryside, the proposal lies

adjacent to the Bramford settlement boundary. Bramford is designated a Key Service Centre, served by a sufficient range of local services and facilities, all of which are within convenient walking distance of the subject site. These include: primary school, public house, post office, co-operative food store, salon, car sales garage, village hall, Methodist church, social club, health club and spa, pharmacy and take-away restaurants. In addition, Bramford is subject to a bus service. The site is directly adjoined on Fitzgerald Road by public bus stops, connecting the site to routes 111, 111A, 988 and 989. The bus service offers connections to Ipswich and surrounding areas, creating sustainable transport option for future owners / occupiers. It is noted that a footway is present on the northern side of Fitzgerald Road, opposite the proposal site, which would enable safe and convenient access to the services, facilities and public transport opportunities within Bramford. The accessible bus network provides a viable option for residents to commute to other settlements for employment, education and healthcare etc. As such, there is opportunity for residents to choose more sustainable modes of transport other than the private vehicle.

- 4.16 In summary reference to Paragraph 8 of the NPPF, the scheme offers an effective use of land in the terms expressed, with good benefits materialising without undue harm to biodiversity, ecology or natural resources. In summary, the site is spatially acceptable, and is within reasonable access to facilities and services.

## **5 Design and Layout**

- 5.1 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.
- 5.2 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.
- 5.3 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.
- 5.4 Consideration must also be afforded to the Nationally Described Space Standards (NDSS). The NDSS document prescribed by Government sets out the spatial expectations for all new build housing developments. Delivery of NDSS-compliant new build is entirely realistic prospect.
- 5.5 Detailed design is a reserved matter. Notwithstanding this, the scheme could adopt similar aesthetic details of existing residential dwellings within the area, and therefore harmonise with the character and form of the locality. Certainly, the existing houses of two-storey form establish the principle of two-storey

new build. It is also noted that the application site is visually unconstrained, with varying design precedent offered nearby. Officers note the concerns raised by the Environmental Health – Sustainability Officer relating to sustainability measures. As such, Officers recommend a sustainability measures condition, ensuring that future built form will incorporate sustainability enhancement measures.

- 5.6 Layout is also a reserved matter. However, consideration must be afforded as to the effectiveness of the site inclusive of: built form, accesses, internal service roads, public open space, play equipment and landscaping. The site is readily capable of accommodating the amount proposed, with good spatial integration, albeit in indicative form.
- 5.7 Officers are of the opinion that an aesthetically pleasing functionally efficient design and layout could be proposed at reserved matters reflecting Policies CS5, H13, GP01 and the NPPF.

## **6 Site Access, Parking and Highway Safety Considerations**

- 6.1 Policies T9 and T10 require development to be delivered with safe and sufficient highways access and function.
- 6.2 Paragraph 109 of the NPPF confirms that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. This is interpreted as referring to matters of highway capacity and congestion, as opposed to matters of highway safety. The courts have held that the principle should not be interpreted to mean anything other than a severe impact on highway safety would be acceptable (*Mayowa-Emmanuel v Royal Borough of Greenwich [2015] EWHC 4076 (Admin)*).
- 6.3 While a reserved matter of layout, on-site parking is offered to be in accordance with the Suffolk Adopted Parking Standards SPD (2015), ensuring future residents are provided with on-site parking provision, thus avoiding parked vehicles on the public highway, and is spatially deliverable in conjunction with the number of residential units proposed. There are no internal highway layout matters that need further assessment in principle at this stage.
- 6.4 In terms of principle and access point proposed with this Outline, Officers acknowledge the 3<sup>rd</sup> party representations which object to the scheme on traffic grounds, in particular the new access and also pedestrian safety. Officers recognise and have considered these concerns along with, comments expressed by the Local Highways Authority (LHA) must also be considered. The LHA has raised no objection to the proposed access arrangement or the anticipated increase in traffic generated by the proposal on the local road network. The visibility splays achieved both ways has been demonstrated and the scheme goes above and beyond the minimum

requirements required by the LHA. Appropriate conditions are recommended for the access.

#### 6.5 Impact On Wider Network

6.6 The LHA carried out analysis of the applications Transport Assessments/Statements for the above planning applications. This identified the potential for cumulative highway impacts from all potential development sites coming forward, in particular there are significant / potentially severe delays at key junctions of Loraine Way / Lower Street / Burstall Road in Sproughton. Subsequent discussions were held with the developers of the above sites to consider how the identified cumulative highway impacts could be mitigated.

6.7 A series of improvements have been identified by the LHA for all of the above schemes to contribute proportionally to, to address the cumulative highway impacts. These will be secured via Section 106 contributions from each developer. These include:

- A1071 / B1113 Beagle Roundabout – junction improvements to widen approach lanes to roundabout
- New zebra crossing on B1113 to the north of Wild Man Public House
- B1113 / Burstall Lane – reduce kerb radii and install uncontrolled pedestrian crossing
- New cycle link between Sproughton and Bramford – cycle link on Loraine Way / footway improvements

6.8 The above improvements require all developments to come forward to enable the full cost of the works to be secured. It has been considered what would happen if one scheme were to stall or to not come forward. In this instance some improvements could still be carried out for example on the Beagle Roundabout. In this instance the roundabout widening could be delivered by the first development, and signals / widening delivered by later sites. If insufficient funds were secured to deliver the zebra crossing or uncontrolled pedestrian crossing on the B1113, the funds that have been collected from commenced developments would be put towards delivering the new cycle link between Sproughton and Bramford. This is considered to adequately mitigate the highway impact for this proposed scheme.

6.9 Members may also wish to note within the vicinity of this application site the following improvements would be secured if the following planning applications were granted permission and constructed. Planning application 19/00567 at land north of Burstall Lane, Sproughton would provide a new priority junction with right hand turning land on the B1113 at the proposed access to site if it were approved. This would be required to mitigate the direct impacts of the development of that application, and so it is not reasonable to require this application currently being considered by Members to contribute to these.

- 6.10 Through the work to consider the cumulative impact of proposed development in the vicinity of this application site, two application sites in Barham and Claydon were also considered. These were 18/00861 for 73 dwellings on land at Ely Road, Barham and Claydon, and Land East of Norwich Road, Barham for 269 dwellings. These were considered but there was not considered to be a cumulative impact with this application site currently being considered by Members as they are too geographically detached, most notably by the A14, for traffic from those developments to impact roads and junctions around this application site.
- 6.11 Whilst the applicant identifies their scheme would only have a minimal impact, the scheme would have an impact upon existing road capacity and proposed developments in the area. It is therefore considered reasonable to secure the above mitigation measures. With these two junctions and the identified mitigation measures the highway impact would only be approaching capacity and not a severe adverse highway impact, as is the test under paragraph 109 of the NPPF.
- 6.12 Highways England have been consulted and raised no objection in terms of the impact on the trunk road A14 and its junctions in the vicinity of the application site.
- 6.13 Off-site, highways contributions are sought in the form of Passenger Transport and Highway Mitigation Schemes. Your Officers consider that the details of such arrangements are integral, and should be secured through a S106:
- Passenger Transport:
    - A contribution of £170,000 is required towards passenger transport services for the village which will provide two years of sustainable travel opportunities for the residents of the site and further community. Also, the existing bus stops on Fitzgerald Road are to be upgraded, which will benefit residents, visitors to the site and the wider community. Therefore, raised bus stop kerbs are requested at a cost of £15,000 for construction (or these works can be completed with the s278 agreement).
  - Highway Mitigation Schemes:
    - New Zebra Crossing north of Wild Man access - £20,000
    - Reduce kerb radii and install uncontrolled crossing points - £14,000
    - Widening of approach lanes to Beagle roundabout - £36,000
    - Cycle Link on Loraine Way - £60,000
- 6.14 The LHA indicate there is little before Officers to suggest a highways compliant development without severe harm could not be achieved.

## **7 Archaeology**

- 7.1 In accordance with Paragraph 141 of the NPPF, any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed. Standard pre and post investigative conditions are recommended. There have been no principle issues raised to consider refusal of this application on this basis.

## **8 Impact on Residential Amenity**

- 8.1 Policy H13 of the Local Plan seeks to ensure that new housing development protects the amenity of neighbouring residents. Policy H16 of the Local Plan seeks to protect the existing amenity of residential areas. Paragraph 127 of the NPPF sets out a number of core planning principles which should underpin decision-taking, including seeking to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 8.2 The impact of the works is considered fully, and there is little before Officers to suggest the scheme would result in a materially-intrusive development, which would hinder and oppress the domestic enjoyment and function of any adjacent property, to an unacceptable level. Officers do not consider that the site is overdeveloped by virtue of the quantum of development shown on the indicative plans, demonstrating sufficient amenity space and parking provision. The density of development is appropriately set and is discussed later in this report.
- 8.3 The indicative interface between the proposed dwellings is designed in a sufficiently sensitive manner, ensuring that the internal amenity of the future occupants of the dwellings is achieved to a satisfactory level. The site layout demonstrates that the site is readily capable of accommodating 115 no. dwellings in a manner that will not unduly compromise the residential amenity of future occupiers of the development or occupiers of neighbouring dwellings. More specifically, suitable distances between dwellings can be achieved to ensure that no unacceptable loss of daylight, sunlight, or overlooking to existing residents would ensue.
- 8.4 It is concluded that the development can be designed to accord with local Policies H13 and H16 at reserved matters stage.

## **9 Impact on the Character and Appearance of the Area**

- 9.1 In addition to Policies CS5, H13 and GP01, Paragraph 127 of the NPPF attaches great importance to the design of the built environment, stating that good design is a key aspect of sustainable development.
- 9.2 Design should respond to the character of the area, offering uplift and betterment to the existing locality, which Officers encourage. In this respect, the inevitable urbanising effects of the scheme would result in built form visible from private and public vantage points, however this is not considered to be unacceptably harmful to the character and appearance of the undesignated area. In any event, external finishing could be controlled by way

of planning condition, inclusive of acceptable tone and texture to reflect the area.

- 9.3 The scheme is set amongst the backdrop of the village, in an unconstrained character area. The site is not visually constrained by a direct designation. Indeed the scheme would lay potential for the site to positively enhance the southern edge of Bramford, through choice design and layout, integrated through appropriate landscaping. Subject to the imposition of planning conditions, Officers are satisfied that the scheme responds well in this regard.
- 9.4 The development will not appear isolated in a visual sense as it adjoins the body of the village. Boundaries will be reinforced with new mixed native species. For the above reasons, it is concluded that impact on the character and appearance of the area will be less than moderate.
- 9.5 The scheme reflects the essence of Policies CS5, H13, GP01, and Paragraph 127 of the NPPF.

## **10 Landscape Impact and Trees**

- 10.1 Policy CS5 of the Core Strategy seeks to protect and conserve landscape qualities, taking into account the natural environment and the historical dimension of the landscape as a whole rather than concentrating solely on selected areas, protecting the District's most important components and encouraging development that is consistent with conserving its overall character.
- 10.2 The site is not in an area of special character designation such as an Area of Outstanding Natural Beauty (AONB) or Special Landscape Area (SLA). Nor is it adjoining, or in proximity to, any designated landscape areas of special significance. Whilst built form will naturally be visible, the topography of the surrounding landscape relative to the site is largely consistent. Built form visible from a private and public vantage point is nonetheless thoroughly considered.
- 10.3 The indicative layout shows acceptable plot sizes, with a 4Ha public open space area integrated centrally. The density of the proposed development equates to 12.7dpHa (net). This is a policy-compliant scheme, reflecting Paragraphs 57 – 58 of the PPG. The scheme does not therefore represent overdevelopment through the eyes of policy.
- 10.4 The site is relatively open at its western, northern and eastern boundaries. Light hedgerow features line the site south-west and south, adjacent to residential units. Built form visible from a public vantage point does not necessarily result in adverse character harm. In this instance, the visual impact on the broader landscape will be limited. A comprehensive landscaping scheme ensures landscape character impacts are mitigated further, secured through robust planning conditions as advised by the LPA's Landscape Consultant. It is noted that none of the objections received to date have raised concern regarding landscape character effects.

- 10.5 The site presents opportunity to create a real sense of place, which responds to the river views, the open highway, as well as the existing post war dwellings which form the southern edge of the village. The scheme could develop a welcome contrast, forming a 'green edge' which captures the surrounding area through choice design and sustainable features. Certainly, the indicative plan provided would suggest that this is readily achievable and entirely possible.
- 10.6 The measures introduced by the applicant are welcomed, and go far in satisfying the tests of Policy CS5 and Paragraph 170 of the NPPF

## **11 Ecology**

- 11.1 Policy CS5 of the Core Strategy requires development to protect, manage and enhance Mid Suffolk's biodiversity.
- 11.2 Officers are satisfied that there is sufficient ecological information available for determination. This provides certainty for the LPA of the likely impacts on protected and priority species / habitats and, with appropriate mitigation measures secured, the development can be made acceptable.
- 11.3 We also note that Phase 2 Ecological Surveys and Assessment has indicated a maximum of three Skylarks territories. Therefore, Skylark breeding habitat will be lost as a result of the proposed development. As a result, it is recommended that a Skylark Mitigation Strategy must be provided, which provides compensation for the three Skylark territories on site. Two Skylark plots should be provided for every Skylark territory lost, following the methodology for the Agri-Environment Scheme option: 'AB4 Skylark Plots'. The Skylark plots should then be secured via a period of 10 years under the S106 agreement. Alternatively, the implementation of the Skylark plots could be secured via a condition of any consent, if the identification of appropriate nearby agricultural land in the applicant's control can be provided for the Skylarks plots.
- 11.4 Therefore, the provision of six Skylark plots is proposed to be secured through S106 agreement, ensuring the benefits are demonstrated and that the development is providing mitigation measures to meet the duties under S40 of the NERC Act 2006.
- 11.5 Regulation 9(5) of the Conservation of Habitats and Species Regulations 2010 (Implemented 1st April 2010) requires all 'competent authorities' (public bodies) to 'have regard to the Habitats Directive in the exercise of its functions.' For a Local Planning Authority to comply with regulation 9(5) it must 'engage' with the provisions of the Habitats Directive. The scheme provides satisfactory biodiversity and ecology benefits secured through planning conditions and S106, while taking into account the various habitats surrounding the application site.

## **12 Flood and Water**

- 12.1 The application is supported by a Flood Risk Assessment and Sustainable Drainage Strategy, and a suitably-reflected indicative site layout. The development will be served by a Sustainable Urban Drainage System (SUDs) meaning the surface water run-off from the development will not be any greater than the current run-off rate. It is considered that the risk of flooding to the site has been adequately considered and therefore development of the site with the proposed mitigation measures does not pose an unacceptable flood risk to future occupants of the site or neighbouring occupants off site. There is nothing before Officers to suggest a flood and water-compliant development could not be delivered.
- 12.2 The flood risk potential and subsequent drainage details have been reviewed by the Lead Local Flood Authority (LLFA) which raised no objection to the proposal, subject to conditions.

### **13 Impact on Heritage Assets**

- 13.1 Policy HB1 of the Local Plan seeks to protect the character and appearance of buildings of architectural or historic interest, particularly protecting the settings of Listed Buildings.
- 13.2 Section 66 of the *Planning (Listed Buildings and Conservation Areas) Act 1990* states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Listed Building or its setting.
- 13.3 In this case, there are specific NPPF policies relating to designated heritage assets that should be considered.
- 13.4 Paragraph 185 of the NPPF identifies that the impact of a proposal on the significance of a heritage asset should be taken into account, in order to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

Paragraphs 193 - 194 of the NPPF state that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. In particular, paragraph 193 identifies that when considering the impact of development on the significance of a heritage asset, great weight should be given to the asset's conservation, irrespective of the level of harm.

- 13.5 The NPPF defines the setting of a heritage asset as the surroundings in which it is experienced. The extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset; may affect the ability to appreciate that significance; or may be neutral.
- 13.6 The nearest designated heritage asset is located immediately north of the site, in the form of the Street Farm Cottage. There is an acceptable level of separation distance between the built extent of the proposal, having a limited

adverse contribution on the setting of this Grade II listed building. The immediate setting of the heritage asset remains largely unaltered.

13.7 The Heritage Officer (HO) has offered comments expressed verbatim:

*“The Heritage Team previously identified the potential for a low level of less than substantial harm to the significance of Runcton House (Grade II), Street Farm Cottage (Grade II) and the Church of St Mary (Grade I). The proposed development has now been amended, with a reduction of 60 dwellings. Although the layout of the proposed development is not a reserved matter at this point, the indicative master plan shows that this could leave the southern section of the site undeveloped.*

*The layout as shown on the indicative master plan would reduce the negative impact of the proposed development on the setting, and therefore the significance, of Runcton House. Leaving the southern section of the site undeveloped would leave the listed building set apart from existing development and better preserve its rural setting. The potential impact on Street Farm Cottage and the Church of St Mary remains unchanged.*

*The amendments have therefore reduced the potential level of harm to Runcton House to none- negligible, however the potential level of harm to Street Farm Cottage and the Church is still considered to be a low level of less than substantial harm. The full extent of the harm would still depend on layout, distribution of building types and building heights, design, boundary treatment, etc”.*

13.8 A recent High Court ruling handed down by Judge Belcher provides material context, at paragraph 34:

*“In my judgment the three categories of harm recognised in the NPPF are clear. There is substantial harm, less than substantial harm and no harm. There are no other grades or categories of harm, and it is inevitable that each of the categories of substantial harm, and less than substantial harm will cover a broad range of harm. It will be a matter of planning judgement as to the point at which a particular degree of harm moves from substantial to less than substantial, but it is equally the case that there will be a number of types of harm that will fall into less than substantial, including harm which might otherwise be described as very much less than substantial (R.(oao James Hall and Company Limited) v City of Bradford Metropolitan District Council and Co-Operative Group Limited [2019] EWHC 2899 (Admin)”.*

13.9 Clearly, in balancing the level of harm against the benefits, it is evident that the scheme is largely ‘in step’ with local and national planning policy, and that the benefits far outweigh the harms, when applying sound and logical planning judgement.

13.10 In conclusion the overall public benefits (identified earlier in this report) of the scheme far outweigh the low level of less than substantial harm identified, which Officers acknowledge and consider in full view of all material matters.

## **14 Public Open Space**

14.1 The scheme provides a 4Ha area of public open space which is a benefit for Bramford. Your Public Realm Officer does not object to the proposal and provides that the management of the public open space should be secured through a management company or some other arrangement locally.

14.2 Officers note the provision of abundant public open space, due to its south-westerly location. Whilst public open space of no less than 4Ha would be secured, its position within the defined red line is not secured within this Outline application, and would be a reserved matters consideration in conjunction with the proposed layout. The detailed layout considerations of the public open space would provide opportunity for local interests to be considered again, and for the shaping of place and space to be fully set out. There is opportunity to create a superior open space setting for this area of Bramford through reserved matters.

14.3 Give the extent of the plot, the prevailing settlement pattern, and the location of the open space relative to established built form, the location of the public open space could be positively delivered given the low density of housing proposed.

## **15 Public Rights of Way**

15.1 The proposed development would not have a direct impact on the local public rights of way (PROW) network. Integration with the definitive PROW network is important for recreation, encouraging healthy lifestyles, providing green links, supporting the local economy and promoting local tourism. The scheme is flanked along the eastern edge by the definitive PROW, and also at the west. Pedestrian links are a welcome feature and could, in any event, be secured at reserved matters.

## **16 Affordable Housing**

16.1 Policy H4 of the Local Plan seeks an affordable housing provision of 35% of total units. The proposal provides 40 no. affordable homes, thus providing 35% affordable nature. This housing breakdown fulfils our housing teams requirements. The proposed plans label the open and affordable housing market mix as follows:

### Affordable Rent: Total: 30

8 x 3b 5 person Semi-detached @ 93sqm

13 x 2b 4 person Semi-detached @ 79sqm

3 x 2b 4 person bungalows @ 70sqm

6 x 1b 2 person Apartments @ 50sqm

Shared Ownership: Total 10  
4 x 3b 5 person houses @ 93sqm  
6 x 2b 4 person houses @ 79sqm

**TOTAL: 40 PLOTS**

16.2 Officers recommend the affordable housing contribution be secured through a Section 106 legal agreement, underpinned by the comments of the Strategic Housing Officer (SHO).

**17 Early Years**

17.1 SCC Development Contributions have identified an early years educational need. As such, the development will be subject to an Early Years Education contributions set out as follows:

- £19,611 per child for new build early years setting.
- Total contribution sought is 11 children x £19,611 per place = £215,721 (2019/20 costs).
- The contribution to be increased in line with the BCIS index.
- In respect of the developer contribution sought to mitigate the harm arising from this proposed scheme the following trigger points are required:
  - Build cost contribution (BCIS indexed) of £215,721 (2019/20 costs) to be payable in full prior to first occupation of the first dwelling. To be secured by way of a planning obligation.
  - The developer contribution will be secured for a period of 10 years from completion of the development. To be used for new early years provision serving the Development.

17.2 This is to be secured through S106 Legal Agreement.

**18 Infrastructure**

18.1 The proposed development has been assessed by Suffolk County Council's Development Contributions Manager. The current Mid Suffolk 123 List, dated January 2016, includes the following as being capable of being funded by CIL rather than through planning obligations:

- Provision of passenger transport
- Provision of library facilities
- Provision of additional pre-school places at existing establishments
- Provision of primary school places at existing schools
- Provision of secondary, sixth form and further education places
- Provision of waste infrastructure

18.2 Officers note the pooled funds that the scheme would generate. The recommendation is made in full view of the comments expressed in relation to: education, pre-school provision, play space provision, transport issues, libraries, waste, supported housing, sustainable drainage systems, archaeology, fire service and superfast broadband.

## **19 Planning Obligations**

19.1 As noted above, the application would require the completion of a S106 agreement to secure the following:

- Affordable Housing
- Public Open Space
- Early Years Education
- Highways Improvements

19.2 Site specific mitigation will be covered by CIL comprising of contributions to education, pre-school provision, play space provision, transport issues, libraries, waste, supported housing, sustainable drainage systems, archaeology, fire service and superfast broadband.

## **20 Environmental Impact Assessment**

20.1 The application has been screened through the application process as to whether an Environmental Impact Assessment (EIA) was required. This development and other consented and allocated developments have been considered. Given the scale and nature of the proposed development, along with the character, constraints of the surrounding area, it is not considered that the proposed development would result in significant effects on the environment, whether in isolation or in combination with any other developments in the locality. An Environmental Impact Assessment under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) was not required to assess the environmental impacts of the scheme.

## **21 Delivery**

21.1 The NPPF makes clear in paragraph 59 that it is the Government's intention to significantly boost the supply of housing and in support of that objective it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. Paragraph 76 of the NPPF also identifies to help ensure proposals for housing developments are implemented in a timely manner, a shorter time limit can be considered, provided it does not affect its deliverability or viability.

21.2 Bearing in mind the Government's objective of significantly boosting the supply of homes and the desire that land with planning permission should be developed without unnecessary delay (see paragraph 59 of the NPPF), and the direction, at paragraph 79, for decision-takers to consider shortened implementation timescales in order to expedite delivery, the Council consider that it must be a material consideration to consider whether a site proposed for development can be brought forward quickly.

- 21.3 The deliverability of a development is an important factor in an assessment as to its sustainability (in terms of its benefits) and in terms of its contribution to the supply of housing in the District; considered to be more compelling in the event that there is a demonstrable shortfall in housing supply.
- 21.4 The NPPF defines deliverable:
- “To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years” and; “Sites with outline planning permission... should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.”*
- 21.5 The PPG gives further guidance on those considerations under the chapter heading, ‘*Housing and economic land availability assessment*’ and including three, important concepts: suitability, availability, and achievability. Whilst primarily aimed at aiding the plan-making process, the principles are no less useful when considering the deliverability of this development. The PPG also identifies information relating to site viability, ownership constraints or infrastructure provision, and a statement of common ground between the local planning authority and the developer confirming the anticipated build-out rates.
- 21.6 The site is considered to be suitable for development, as detailed further in the conclusion and planning balance to this report, providing significant benefits of housing and affordable housing. There is a reasoned expectation that the development would make a valuable contribution to the five-year land supply period in the short-term and at an expeditious rate.

---

## **PART FOUR – CONCLUSION**

---

### **22 Planning Balance and Conclusion**

- 22.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, then that determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 22.2 The NPPF contains the Government's planning policies for England and sets out how these are expected to be applied. Planning law continues to require that applications for planning permission are determined in accordance with the Development Plan unless material considerations indicate otherwise. The policies contained within the NPPF are a material consideration and should be taken into account for decision-making purposes.

- 22.3 In consideration of the above and the ‘weighing up’ of the planning balance, key development plan policies CS1 and H7 are engaged, but that given their ‘out of datedness’ following the *Woolpit* appeal, the assessment is considered with a presumption in favour of sustainable development.
- 22.4 The site is considered as to its relationship to existing built development, and the relationship with facilities and services, and their accessibility, underpinned by the considerations of Paragraph 78 of the NPPF. Central to this, is the presumption in favour of sustainable development set out under Paragraph 10, which in turn engages the ‘tilted balance’ as set out in Paragraph 11(d).
- 22.1 Comparison can to a degree be drawn from a recent planning appeal in *Long Melford* (reference: *APP/D3505/W/18/3214377*), which relates to development with a close functional relationship to the settlement boundary, even if the Council are able to demonstrate a 5 year housing land supply, as per the case here. The Inspector concluded that even if the Council are able to demonstrate a 5 year housing land supply, this is not a ‘ceiling height’ limit. At Paragraph 53, the Inspector states:
- "Although the local authority can now demonstrate a supply of housing land above 5 years, this figure is a baseline and not a ceiling".... "In the light of the identified local need, and the Government's objective of significantly boosting the supply of homes (Framework paragraph 59), he considers that the housing delivery should carry significant weight."*
- 22.2 In essence, sites which present as ‘edge of settlement’ or provide a ‘close functional relationship’ to the settlement boundary should be granted unless material considerations indicate otherwise, irrespective of whether the Council is able to demonstrate a five-year housing land supply, or not.
- 22.3 It is noted this site is within the emerging Joint Local Plan, but given the early stage this plan is at limited weight can be placed on this at present. This does however give an indication of the direction of travel as to where housing could be most sustainably located to meet the authority’s housing need whilst adequately planning for supporting infrastructure.
- 22.4 The NPPF requires development to be approved that accords with an up-to-date development plan, and without delay. The proposal is in a sustainable location on the edge of the settlement boundary, within walking distance of a good range of local services. There are some harms however attributed to this scheme of conflict with policies relating to the principle of development of CS1, CS2, H7 and FC2 regarding principle of use, although these policies are noted to carry less weight as explained above, less than substantial harm to heritage assets, leading to some conflict with HB1 and CS5 (although these policies go further than what is required in the NPPF in requiring “*enhancement*” to heritage assets and any conflict should therefore be reduced accordingly) and loss of grade 2 and 3 agricultural land, conflicting with policy CR11.

- 22.5 This harm to the designated heritage assets noted in this report are a disbenefit of the scheme which needs to be treated with the utmost importance in light of the statutory duties set out in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. In determining this application Officers are mindful of the specific duty imposed on the local planning authority with respect to the need to have special regard to the desirability of preserving the listed building or its setting, as set out in section 66 of the above Act.
- 22.6 In articulating the proposal in the context of planning policy, the 'tests' of sustainability within the NPPF are principally engaged. Whilst the LPA is able to demonstrate that it has an adequate five-year housing land supply, the Council still needs to provide homes in sustainable locations and boost this supply as outlined in paragraph 59 of the NPPF. Sequentially, the proposal hereby determined is considered through the eyes of Policy CS1 (applying appropriate weight), Paragraph 78 including the site's relationship to existing built development, and the relationship with facilities and services, and their accessibility, underpinned by the considerations of Paragraph 8.
- 22.7 The proposal is considered to form sustainable development within the criteria set out by the NPPF by reason of the location of the site in relation to services generating a positive social, environmental and economic impact for Bramford and the wider area. It is recommended the development is approved as the limited harms do not outweigh the benefits of new market and a policy compliant number of affordable dwellings in a sustainable location, in a scheme that delivers significant open space and biodiversity net gain compared to the existing ecological merits of the site, with demonstrable mitigation through the S106 requirements which will aid and assist the wider community. Whilst the low level of less than substantial harm to heritage assets is given utmost importance, this is considered in this instance to be outweighed by the above benefits. The proposal is considered to harmonise with local and national planning policies, offering a scheme which carries the potential to create a strong sense of place and space, set amongst the southern edge of Bramford.
- 22.8 The proposal carries significant merit to deliver homes in a sustainable location to boost the supply of housing, and is justified in planning terms through the proposed outline works. The proposed development has been considered on the basis of its planning merits and whilst the development does not comply with the development plan as a whole, other material considerations direct permission should be granted and the Officer's recommendation is given accordingly.

## **RECOMMENDATION**

That the application is GRANTED planning permission:

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

- Affordable Housing at 35% (all NDSS standard) consisting of:

**Affordable Rent: Total: 30**

8 x 3b 5 person Semi-detached @ 93sqm  
13 x 2b 4 person Semi-detached @ 79sqm  
3 x 2b 4 person bungalows @ 70sqm  
6 x 1b 2 person Apartments @ 50sqm

**Shared Ownership: Total 10**

4 x 3b 5 person houses @ 93sqm  
6 x 2b 4 person houses @ 79sqm

- Public Open Space no less than 4Ha inclusive of management company
- Early Years Education contribution totalling £215,721
- Highways contributions for Passenger Transport of £170,000, Raised Bus Stop Kerbs of £15,000 or completion to LHA satisfaction through S278, and Highways Mitigation Scheme of £130,000.
- Skylark Mitigation consisting of 6 plots

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

1. Reserved Matters Timescale
2. Reserved Matters Details
3. Approved plans
4. Highways – visibility
5. Highways – details of access
6. Highways – surface water discharge
7. Highways – loading / unloading
8. Highways – refuse / recycling
9. Highways – HGV construction
10. Construction and Environmental Management Plan (CEMP)
11. Archaeology (Pre-Investigation)
12. Archaeology (Post-Investigation)
13. Lighting Design Scheme
14. Biodiversity enhancement
15. Ecological appraisal recommendations
16. Landscape and Ecological Management Plan

17. Landscape – advanced planting
18. Landscaping scheme
19. Landscape management plan
20. Landscape SUDs details
21. Surface water management strategy
22. SUDs details
23. Fire hydrant provision details
24. Sustainability measures
25. Limit to 2 storey development

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

1. Section 38 of the Highways Act 1980
2. Section 278 of the Highways Act 1980

**(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 12 months that the Chief Planning Officer be authorised to refuse the application on appropriate ground.**