

## **Committee Report**

**Item 7C**

**Reference:** DC/20/04256

**Case Officer:** Alex Scott

**Ward:** Thurston.

**Ward Member/s:** Cllr Harold Richardson. Cllr Wendy Turner.

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## **RECOMMENDATION – REFUSE PLANNING PERMISSION**

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### **Description of Development**

Application for Outline Planning Permission (Access to be considered) Town and Country Planning Act 1990 - Erection of 20No dwellings and construction of vehicular access and pedestrian link (re-submission of DC/19/01236).

### **Location**

Land West of Suffolk House, Ixworth Road, Norton, Suffolk

**Expiry Date:** 06/01/2021

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

**Development Type:** Major Small Scale - Dwellings

**Applicant:** Ash Property Consortium Ltd

**Agent:** Philip Cobbold

**Parish:** Norton

**Site Area:** 1.23

**Density of Development:**

Gross Density (Total Site): 16.26 dph

Net Density (Developed Site, excluding open space and SuDs): 16.26 dph

### **Details of Previous Committee / Resolutions and any member site visit:**

Application ref: DC/19/01236, for a similar development, was previously considered by MSDC Development Committee A on 16<sup>th</sup> October 2019. Members resolved to refuse planning permission for the following reasons:

“The proposed development accessing Hawes lane would, if approved, likely result in a significant conflict between cars and pedestrians by construction traffic and during the lifetime of the development and given the design and character of the lane would be detrimental to highway safety and amenity for existing residents. Furthermore the likely impact including number of cars, wear and tear would be visually detriment to the character of the lane. On this basis it is contrary to Policies T10, GP1 and H16 of the Local Plan, FC1.1 of the Focus Review and NPPF including section 12, and Paras 108 and 110.”

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

**Has the application been subject to Pre-Application Advice: No**

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

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The application is referred to committee for the following reason/s:

It is a 'Major' application for a residential development for 15 or more dwellings.

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

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### **Summary of Policies (Local Plan and Core Strategy)**

NPPF - National Planning Policy Framework  
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  
CS05 - Mid Suffolk's Environment  
CS06 - Services and Infrastructure  
GP01 - Design and layout of development  
CL08 - Protecting wildlife habitats  
HB01 - Protection of historic buildings  
HB14 - Ensuring archaeological remains are not destroyed  
H07 - Restricting housing development unrelated to needs of countryside  
H13 - Design and layout of housing development  
H15 - Development to reflect local characteristics  
H16 - Protecting existing residential amenity  
H17 - Keeping residential development away from pollution  
T09 - Parking Standards  
T10 - Highway Considerations in Development  
RT04 - Amenity open space and play areas within residential development  
RT12 - Footpaths and Bridleways

### **Neighbourhood Plan Status**

This application site is not within a Neighbourhood Plan Area.

### **Emerging Joint Local Plan (JLP)**

It is recognised that the JLP has reached Reg 19 stage, but remains as policy document of growing weight, but limited weight at this time.

## **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)**

##### **Norton Parish Council**

Object:

- This is a small single carriageway Road with no public footway;
- Further development would present a serious risk to pedestrians;
- The proposal would have a detrimental effect on the area by means of additional traffic generation and safety;
- Additional passing places would have no safety benefit;
- The proposal would not enable access for Emergency Service Vehicles;
- Concern with regards safety of Heath Road and A1088 junction and recent development in nearby settlements have created more traffic at this junction;
- The proposed pedestrian link to the A1088 presents a danger to pedestrians;
- Question whether drainage and sewerage systems would be sufficient to cope with the proposed development;
- Consider existing School and Health Centre infrastructure could not deal with the proposed development;
- Concern with regards the impact on the Wildlife Nature Reserved;
- The proposal is for self-build properties, with no CIL benefit to the village; and
- Part of the proposal site is outside the village settlement boundary.

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

##### **Anglian Water**

The foul drainage from this development is in the catchment of Norton (Suffolk) Water Recycling Centre which currently does not have capacity to treat the flows the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission.

##### **Natural England**

Natural England has no comments to make on this application.

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

### **SCC - Highways (Initial Response)**

No objection - Subject to conditions - We have reviewed the data supplied with this application, the summary of our findings are as follows:

- The proposed visibility splays for the development are sufficient for this application.
- The proposal for 20 dwellings would create approximately 14 vehicle movements within the peak hour (1 vehicle every 4 minutes) therefore, the development will not have an impact on the capacity of the highway network in the area.
- The nearest bus stop is on Station Road with services running approximately every 2 hours - the stops are within 100m from the application site with minimal public transport services but the stops are considered acceptable distance to walk to catch public transport.
- The application shows a footway between the site and Ixworth Road which provides a safe link to the bus stops and footway network in the village. A short section of footway on the west side of Ixworth Road is also required with an uncontrolled pedestrian crossing point.
- The Appeal for Planning Permission DC/19/01236 was dismissed as the proposal failed to ensure the safety of pedestrians using the rural part of Hawes Lane. Passing places at approximately 40m intervals have been proposed along Hawes Lane to enable vehicles to pass safely. The Planning Statement with this application has suggested these spaces can also be used by for vehicles and pedestrians to pass.

Taking all the above into account, it is our opinion that this development can achieve safe and suitable access to the site for all users and would not have a severe impact on the road network (NPPF para 108 and 109) therefore we do not object to the proposal.

### **SCC - Highways (Subsequent Response received)**

Recommend Refusal - Further to SCC Highways response letter dated 21st October 2020, SCC have reconsidered the highways safety aspects of the application in the light of comments made in respect of appeal reference APP/W3520/W/20/3245218, related to the same site location

- The Planning Inspector clearly felt that the highway safety implications of the appeal site were likely to give rise to a severe highway impacts, contrary to paragraph 109 of the NPPF, caused specifically by the increase in vehicular traffic on Hawes Lane conflicting with the pedestrians walking in the road, given this road has no footways

- The proposed new pedestrian link between the site and the centre of the village is acknowledged, however, this was not considered by the planning inspector to sufficiently mitigate the severe impact and the safety of existing residents in using Hawes Lane to access several well used Public Rights of Way in the area

- The proposed new passing places are acknowledged and while these passing places may give opposing motor vehicle more space to pass one another on the narrow sections of Hawes Lane it is not sufficient to address the key issue of pedestrian safety

- Therefore, the severe impact remains

**- For this reason, SCC recommend that planning permission is refused on highway grounds until an adequate highway mitigation scheme is proposed to fully deal with the highway safety issues identified at the previous appeal - Should further improvements be proposed to adequately address the highways safety matters SCC would be happy to re-consider our position on the development scheme.**

### **SCC - Flood & Water Management (Initial Response)**

Holding Objection - The flood risk assessment is out of date and needs updating. In January 2020, new flood maps for the region were released and as such the flood risk in some area has increase. Also the policies that it has referenced are again out of date and need updating . We also note the poor infiltration rates achieved and the LLFA feels that an alternative strategy for the disposal of surface water should be investigated.

### **SCC - Flood & Water Management (Subsequent Response - Following receipt of further information from the applicant)**

Recommend maintaining our holding objection at this time - A holding objection is necessary because our previous consultation reply comments have not been addressed. The flood risk assessment is out of date and needs updating . In January 2020, new flood maps for the region were released and as such the flood risk in some area has increase. Also the policies that it has referenced are again out of date and need updating . We also note the poor infiltration rates achieved and the LLFA feels that an alternative strategy for the disposal of surface water should be investigated.

### **SCC - Archaeological Service**

There are no grounds to consider refusal of permission in order to achieve preservation in situ of any important heritage assets. However, in accordance with the National Planning Policy Framework (Paragraph 199), any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.

### **SCC - Fire & Rescue**

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.

Suffolk Fire and Rescue Service recommends that proper consideration be given to the potential life safety, economic, environmental and social benefits derived from the provision of an automatic fire sprinkler system.

### **SCC - Development Contributions Manager**

Summary of infrastructure requirements provided: New Primary School Build Cost and Secondary School Transportation Cost to be required by way of S106 agreement - All other infrastructure requirements to be covered by CIL.

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

#### **MSDC - Heritage Team**

No further comments to make.

#### **MSDC Ecology Consultants - Place Services (Initial Response)**

Holding objection due to insufficient ecological information.

**MSDC Ecology Consultants - Place Services (Subsequent Response - Following receipt of further information from the applicant)**

No objection subject to securing ecological mitigation and enhancement measures.

**MSDC - Arboricultural Officer**

No comments received.

**MSDC - Environmental Health - Land Contamination**

No objection to the proposed development from the perspective of land contamination - Request that the LPA are contacted in the event of unexpected ground conditions being encountered during construction and that the minimum precautions are undertaken until such time as the LPA responds to the notification - Advise that the developer is made aware that the responsibility for the safe development of the site lies with them.

**MSDC - Communities (Major Development)**

No response received.

**MSDC - Public Realm**

The Public Realm Team do not have any comments to make with regards to access relating to this application.

**MSDC - Strategic Housing (Affordable/Major Dwel/G+T)**

This is an open market development and based on 20 units should offer 7 affordable housing units = 35% policy compliant position.

Affordable Rent: Total: 5

2 x 2b x 4p houses (sqm and plot numbers tbc)

2 x 3b x 6p houses (sqm and plot numbers tbc)

1 x 2b x 3p bungalows (sqm and plot numbers tbc)

Shared Ownership: Total: 2

2 x 2b x 4p houses (sqm and plot numbers tbc)

**B: Representations**

At the time of writing this report at least 13 letters/emails/online comments have been received. It is the officer opinion that this represents 13 objections. A verbal update shall be provided as necessary.

Views are summarised below:-

- The proposal site is outside the settlement boundary;
- The proposed development is unnecessary as there are tens of planning approvals in Norton which are not yet started - there is no demand for this scale of housing;
- The Bus Service serving the Village is not regular;

- Mock the proposed means of access and proposed passing places;
- Hawes Lane is described as being treacherous;
- Concerns with regards highway and pedestrian safety due to increased number of vehicle movements;
- Concerns with regards increased vehicle numbers on Hawes Lane;
- Concerns with regards impact on Hawes Lane which is not designed for suburban traffic;
- Hawes Lane is narrow and proposal would pose a danger to highway users, despite added passing places;
- The existing verges are insufficient width to accommodate the proposed passing places;
- Emergency service vehicles and dustcarts would have difficulty accessing the site due to the highway width;
- Concern with regards pedestrian safety on Hawes Lane - Pedestrians have to climb a high bant to get out of the way of vehicles;
- Consider the applicant's suggestion that pedestrians can take refuge in the proposed passing bays is preposterous;
- Do not consider proposed passing bays on Hawes Lane would address the highway safety issues raised by the Planning Appeal Inspector;
- The current proposal has not addressed the concerns raised by the planning inspector with regards the impact on the character and amenity of Hawes Lane;
- Concern with regards the safety of Horse riders, cyclists and do walkers who use Hawes Lane;
- The proposed passing places would remove the grass verges which are the only refuge for pedestrians on Hawes Lane presently;
- Concern with regards the impact on construction vehicles on the highway safety and grass banks and verges of Hawes Lane;
- Consider the proposed pedestrian crossing over Ixworth Road would be dangerous to pedestrians and those crossing to use services such as the Bus Stop, Play Area, Garage and Pub;
- Concern with regards increased vehicle damage to the grass verges of Hawes Lane as a result of the proposal;
- Concern with regards the impact on the character of Hawes Lane;
- Concern with regard the impact on pedestrian safety on Heath Road as there are no pavements;
- Concern with regards the impact of additional vehicles on the safety of the junction of Heath Road and Ixworth Road;
- The proposed footpath along Hawes Lane does not change highway safety concerns on Hawes Lane, Heath Road, Ixworth Road and Norton Road;
- Owls have been sighted on the land and the proposal would impact their nesting sites;
- The loss of green land will drive away wildlife;
- Concern with regards impact on nearby nature reserve;
- The proposal would result in increased light pollution;
- The existing village infrastructure is unable to cope with the additional houses proposed;
- The existing school is oversubscribed and cannot cope with the proposed development;
- The development is too large and out of character for this part of Norton;
- Do not consider the proposal would add value for local residents;
- The proposal would impact air quality by additional CO2 emissions, brake, tyre and road surface dust;
- A climate and biodiversity emergency has been declared so such sites greenfield sites should not be developed;
- The proposal would impair enjoyment of neighbouring properties;
- Consider some of the statutory consultee's responses are incorrect;
- Communities needs to take stock and reflect on how we want our Villages and Towns to develop, to make our communities more resilient rather than less resilient before granting any more developments such as this;
- Norton has already had its fair share of new housing developments in the past 10 years;

- This development has been fought since 13th March 2019;
- A significant number of residents live in fear of the development;
- The proposal is all about making large sums of money and greed.
- The applicant's company is in liquidation - question whether this is allowed.

(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**

<b>REF:</b> DC/19/01236	Outline Planning Application (Access to be considered) - Erection of 20 dwellings and construction of vehicular access, pedestrian link and vehicle passing bay.	<b>DECISION:</b> REF 17.10.2019
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## **PART THREE – ASSESSMENT OF APPLICATION**

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

- 1.1. The application site is located on the eastern side of Hawes Lane, on the north-western periphery of the village of Norton, a designated 'Primary Village' in the Core Strategy 2008. The site comprises an undeveloped green field and abuts the village settlement boundary.
- 1.2. Land to the east and south of the site comprises existing residential properties that form the existing built form and settlement pattern of the village. Land to the north and west of the site is in arable use.
- 1.3. The site is not in or near an area designated for special landscape significance, e.g. Special Area of Conservation, Special Landscape Area, or AONB.
- 1.4. There are no protected trees on or adjacent the subject land. The land is Grade 3 agricultural land. The site is in Flood Zone 1. The nearest bus stop is located east of the site, on Ixworth Road north of the Dog at Norton (service 385).

### **2. The Proposal**

- 2.1. The application seeks Outline Planning Permission, with all matters reserved save for access, for the erection of 20 dwellings, new vehicular access to Hawes Lane, a footpath connection to Ixworth Road, vehicle passing bays on Hawes Lane, and a 1 metre wide footpath adjacent to the eastern side of the rural part of Hawes Lane.
- 2.2. Although matters of appearance, landscaping, layout and scale are not formally submitted for determination, an indicative layout has been submitted to demonstrate how development could be taken forward. The indicative layout suggests a conventional residential layout, with plot sizes generally consistent with those nearby in the village. Seven affordable dwellings would be required to be delivered as part of the development and smaller semi-detached properties are

indicated fronting Hawes Lane with this in mind. The indicative layout indicates a mix housing types and styles, with: 2 no. detached bungalows; 6 no. semi-detached houses; and 12 no. detached houses, in five design variations, proposed. The proposed dwellings, other than the affordable units, are indicated to be served by detached or integral garages.

### **3. The Principle of Development**

- 3.1. The starting point for determination of any planning application is the development plan, as identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004. Determination of an application must be made in accordance with the plan unless material considerations indicate otherwise. The key material consideration regarding the principle of development is the National Planning Policy Framework (NPPF).
- 3.2. The proposal site is outside of the settlement boundary for Norton and is considered to be formally defined as greenfield land. Relevant local plan policies are policy H7 which seeks to restrict housing development unrelated to the needs of the countryside, and core strategy policy CS1 which identifies a settlement hierarchy and CS2 which also seeks to resist development in the countryside other than those listed in the policy. The NPPF has changed direction since these policies were adopted as detailed further below, so as to affect the weight of these policies in determining this application.
- 3.3. The Core Strategy Focused Review (2012) identified this change in line with the National Planning Policy Framework. Reflecting this policies FC1 - Presumption in favour of sustainable development and FC1.1 - Mid Suffolk approach to delivering sustainable development identify a more positive approach to proposed development.
- 3.4. It should be noted that Core Strategy policy FC2 - Provision and distribution of housing seeks to identify the number of dwellings in Primary Villages (Such as Norton) that should come forward on greenfield sites, and provides that 100 no. should come forward between 2017 to 2022 and a further 100 between 2022 to 2027.
- 3.5. The NPPF identifies in paragraph 213 that the weight attributed to policies should be according to their degree of consistency with the NPPF. The closer the aims of the policy are to the NPPF the greater the weight that can be attributed to them.
- 3.6. The NPPF also identifies that planning decisions should apply the presumption in favour of sustainable development (paragraph 11): “For decision-taking this means: c) approving development proposals that accord with an up-to-date development plan without delay; or d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”
- 3.7. Footnote 7 of the NPPF identifies out-of-date includes the situation where the local planning authority cannot demonstrate a five year supply of deliverable housing sites or where the Housing Delivery Test indicates that the delivery of housing was less than 75% of the housing requirement over the previous three years. In this instance it is considered that the Council is able to demonstrate housing land supply in excess of five years, as set out in the Council’s Housing Land Supply Position Statement, and Joint Annual Monitoring Report, both published in October 2020.

- 3.8. Notwithstanding the Council's current housing land supply position, the development plan policies most important for determining the application (policies: H7, CS1, CS2 and FC2) are considered to be out-of-date as a result of not being consistent with the aims of the NPPF and, therefore, are accorded significantly less weight than they would have been prior to the publication of the NPPF. This position was identified in the appeal decision for appeal APP/W3520/W/18/3194926 at land at east side of Green Road, Woolpit (September 2018) which is a material consideration. Policy FC1 of the Core Strategy Focused Review repeated the requirements of the former paragraph 14 of the NPPF (2012), which is replaced now with paragraph 11 (NPPF 2019) which is the more relevant consideration, and so this policy is given less weight. Policy FC1.1 seeking to conserve and enhance the local character of different parts of the District, is up-to-date and relevant to this application. These two policies seek to promote the principles of sustainable development.
- 3.9. The presumption in favour of sustainable development should apply in this instance given the above considerations, except for the provisions of paragraph 177 of the NPPF.
- 3.10. It cannot be ignored that the policies most important for determining the application do not accord with the NPPF. Therefore less weight will still be given to these policies as identified above. Whilst tension with the development plan exists and is noted, that tension is considered to be less significant as a consequence, in light of the lesser weight afforded to the most important development plan policies relevant to this application where they are not consistent with the NPPF.
- 3.11. Therefore an assessment against the development plan is made, considering the material consideration of the NPPF and the purpose of the planning system to contribute to the achievement of sustainable development.
- 3.12. The development plan and NPPF share the same approach of contributing to the achievement of sustainable development.
- 3.13. There are three overarching objectives to achieve sustainable development, which are interdependent and need to be pursued as a whole so that opportunities can be taken to secure net gains across different objectives. These objectives are social, environmental and economic. The merits of the scheme against these objectives and the up-to-date requirements of the development plan are considered below, and a conclusion will be drawn as to whether the development is considered to contribute to the achievement of sustainable development.

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

- 4.1. The site is located in the countryside in policy terms, however, it does abut the village settlement boundary. The site is considered to have a strong functional relationship to the village and is not considered isolated in a functional sense. Norton is served by several local services and facilities, which the development would help support and would be supported by.
- 4.2. The village amenities are within walking distance of the site, noting in particular the proximity of the Norton Pre-School and Norton Primary School. The proposal includes a pedestrian link connecting with Ixworth Road, which incorporates a footpath on its eastern side which connects into the broader village footpath network and to local amenities and services. Located on Ixworth Road is a bus stop associated with service 385, providing public transport to settlements along the routes to Stowmarket and Bury St Edmunds. As such, there is the opportunity for residents to choose more sustainable modes of transport other than the private vehicle.

- 4.3. The site is considered to be in a sustainable location for housing given the accessible facilities within walking distance that the village provides, and the bus service on offer locally.

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

- 5.1. As part of their assessment of prior planning application ref: DC/19/01236 on the site (referred to in the opening paragraphs of the report, above), the Planning Inspector, when assessing the subsequent appeal, considered the following:
- 5.2. Saved Policy T10 of the local plan lists, as one of the highway matters in considering development proposals, the suitability of the existing roads in terms of, amongst other things, pedestrian safety. The Inspector considered that the proposed development was in conflict with this policy as it would increase the potential for conflict between pedestrians and vehicles using the rural part of the lane, to the detriment of pedestrian safety.
- 5.3. The Inspector was satisfied that a properly framed and enforceable Construction Management Plan could adequately mitigate any adverse effects on the local road network brought about by construction traffic. The Inspector considered that a suitably worded condition would adequately mitigate the effects the construction of the development would have on the local area.
- 5.4. The Inspector was satisfied that vehicular safety at the entrance to the site, on to Hawes Lane, could be assured, and was confident that with regards to safety of the occupants of vehicles generated by the site, the local road network has the capacity to accommodate them safely, and that the new pedestrian link between the site and the village will give people a safe access to the services in the village and public transport.
- 5.5. The Inspector noted that Hawes Lane is used by pedestrians to access the countryside surrounding the village and observed (on their site visit) a well-used public footpath leading from Hawes Lane into the countryside, with access to a local nature reserve. The Inspector observed that the nature of the rural part of Hawes Lane, from the end of the current built up part of the village to its junction with the Thurston Road, being narrow and lower than the surrounding land, with grass banks, means that pedestrians using Hawes Lane to access the countryside and the nature reserve would have difficulty in moving out of the way of cars. The Inspector considered that the addition of a further 20 houses with associated vehicular movements throughout the day would only make this situation more hazardous for pedestrians and other non-vehicular users of the lane.
- 5.6. The Inspector noted that Heath Road has no footways but noted that it does have housing on either side, which would indicate to motorists that they are likely to encounter pedestrians using the road. The Inspector noted that Heath Road also has a grass verge which is at the same level as the metalled part of the road, which pedestrians could use to avoid vehicles. The Inspector noted that the appeal proposal also made provision for a pedestrian link from the appeal site into the village, which they considered could act as an alternative route to the services of the village for the residents of Heath Road. The Inspector, therefore, did not consider that pedestrian safety in Heath Road would be harmed by the appeal proposal (which is similar to the current proposal).
- 5.7. Whilst the Inspector acknowledged the views of parties that the junction between Heath Road and Hawes Lane has substandard visibility, they considered that it is common in villages to have junctions that do not meet modern highways standards. The inspector also noted that the Local Highway Authority raised no issue with regard to this junction safely accommodating the

additional traffic generated by the proposed development. The Inspector therefore saw no issue in this junction's ability to safely accommodate the additional traffic generated.

- 5.8. The inspector considered that the metalled carriageway of Hawes Lane is narrow and, whilst they considered that there are opportunities for vehicles to pass using the verge in the part of the lane within the village, this would be more difficult in the rural part of the lane, where the road surface is lower than the surrounding land and there are grass banks. The Inspector considered that in this part of the lane there might well be a need for cars to reverse to allow oncoming traffic to pass.
- 5.9. With regard to traffic leaving the site and turning left, into the village, rather than right, into the rural lane, the Inspector noted that the Local Highway Authority's view that the right turn might be considered by drivers to avoid the substandard junction with Heath Road. The Inspector considered that this strengthened their view that a significant amount of traffic leaving the site would turn right and use the rural part of Hawes Lane and have a consequent impact on pedestrian safety.
- 5.10. The Inspector considered that the widening of the lane across the frontage of the proposed development, the provision of a passing bay on the lane within the village and the provision of a pedestrian link between the appeal proposal and the centre village would all assist in making the proposal safer in highway terms. However, the Inspector considered that none of these measures, either in combination or by themselves, would address pedestrian safety in the rural part of Hawes Lane. The Inspector stated that the rural part of Hawes Lane is used by people in the village to access the surrounding open countryside, and that this would still be the case should the proposal be constructed. Therefore, the danger from traffic which is currently experienced by pedestrians in the rural part of the lane would increase should the proposed development go ahead. The Inspector accepted that pedestrians do not have priority over the use of Hawes Lane, however it was acknowledged that they need a safe and convenient way of avoiding oncoming cars if the proposed development is to be considered acceptable.
- 5.11. The Inspector found that the appeal proposal was in conflict with local plan policy T10, as it failed to ensure the safety of pedestrians using the rural part of Hawes Lane.
- 5.12. The Inspector concluded that the increased conflict between vehicles and pedestrians in the rural part of Hawes Lane, where the roadway is lower than the surrounding land, is unacceptable in highway safety terms. The lane is used by people from the village to access the surrounding countryside. The Inspector considered that the appeal proposal would lead to an increase in traffic using the rural part of the lane, which also leads to a local nature reserve and is of restricted width, has grass banks and is lower than the grass verge alongside it. This means that pedestrians using this part of the lane would have difficulty in avoiding oncoming traffic to the detriment of their safety.
- 5.13. The Local Highway Authority (at Suffolk County Council), in their second response, have considered the assessment and conclusions of the Planning Inspector with regards highway safety. The LHA acknowledge that the current proposal proposes additional infrastructure within the rural parts of Hawes Lane and, whilst it is acknowledged that this infrastructure may give opposing motor vehicles more space to pass one another on the narrow sections of Hawes Lane it is not sufficient to address the key issue of pedestrian safety. The LHA, therefore, consider that a severe impact in highway safety terms remains. For this reason, Suffolk County Council, as Local Highway Authority recommend that the current proposal is refused on highway grounds. Your officers acknowledge and agree with this assessment.

## **6. Design, Layout and Landscape Impact**

- 6.1. Design, Layout and Landscaping are currently indicative only, and there would be the opportunity, at a reserved matters stage, to assess how the final details impact the existing character and quality of the locality. Significant scrutiny of the proposed layout, against current the design policies of the NPPF and development plan is a matter for the detailed design stage.
- 6.3. The indicative layout provided is considered to satisfactorily demonstrate, that the site can comfortably accommodate the number of dwellings proposed, at a density comparable to existing similar developments adjacent to the south and east of the site.
- 6.3. Policy CS5 of the Core Strategy seeks to protect and conserve landscape qualities taking into account the natural environment and the historical dimension of the landscape as a whole rather than concentrating solely on selected areas, protecting the District's most important components and encouraging development that is consistent with conserving its overall character.
- 6.4. Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils.
- 6.5. The site does not lie within, nor near any landscape designation. The site is open owing to its undeveloped agricultural nature. It is however well screened on its northern boundary by tall vegetation. The body of the village abuts the site's eastern and southern boundaries. The site is therefore well contained in a visual sense.
- 6.6. Developments of the scale proposed, on sites that are undeveloped, inevitably lead to an obvious landscape change. There will be an urbanising effect and loss of rural character, this is inevitable when developing open countryside. However, the landscape effect is limited by its close visual relationship to the body of the village and the natural boundary offered by the northern screen planting. Officers consider that the proposed dwellings will be appreciated against a backdrop of existing dwellings and that the site does not occupy a prominent position in the landscape. Landscape impacts will therefore be localised.
- 6.7. The appearance of the development will depend to a large extent on matters yet to be determined through approval of the reserved matters. However, the proposed indicative layout shows a general approach to the development that is acceptable. The density is consistent with the neighbouring development pattern. Landscaping, including retention of most existing trees, shrubs and hedges on the site, will be important. Also important will be ensuring that the northern landscape screen is considerably strengthened as this will form the new settlement edge. With open countryside beyond this boundary, an effective vegetation screen is warranted.
- 6.8. Concern have been raised with regards the development layout during the consultation period, contending that it would significantly deviate from the settlement typology which is largely linear. Concerns are also raised with regards the backland nature of the development in the context of the prevailing linear village pattern. However your officers consider that the site fronts Hawes Lane and will not appear as backland development, presenting to this existing streetscene. In any event, whilst the prevailing village development pattern is linear, there is evidence of other backland developments, most notably immediately south of the site. Your officers consider that the development would strengthen the linear form of development along Hawes Lane, consistent with the properties south of the site. The majority of the housing internal to the site will not be visible from outside of the site, owing to the backdrop of the village. The effects on the urban

grain of the village resulting from the proposal's deviation from the settlement typology will, as a result, be limited. Your officers do not consider that significant harm to village character would result, should (as expected) a good standard of design and layout be secured at reserved matters stage.

- 6.9. The Appeal inspector concluded that the development would adversely affect the character and appearance of the locality as the increased traffic using the single-track parts of Hawes Lane would damage the grassed areas and banks, which has been alleged are outside the ownership of the LHA or appellant, alongside the lane to the detriment of its character and appearance. The Inspector considered that this would go beyond normal wear and tear, as it would affect the land either side of the metalled part of the highway, which would be visually detrimental to the character and appearance of the lane.
- 6.10. It is noted that the Planning Appeal Inspector considered that the proposal would harm the character and appearance of the surrounding area and therefore was in conflict with local plan policy GP1. This was due to the likelihood of vehicles damaging land adjacent to the highway due to the constrained width of the lane over a prolonged distance and the sunken nature of the lane itself. The rural nature of the lane, lower than the surrounding agricultural land, helps to define the areas character and appearance. Despite the proposed provision of additional infrastructure within the rural part of Hawes Lane, your officers consider this point to still be relevant when considering the current application. Indeed, it is considered that the additional amount of infrastructure proposed in Hawes Lane, in the interest of Highway Safety would, in itself, be harmful to the rural character of the lane and that of the surrounding area.

## **7. Heritage Issues [Including the impact on the character and appearance of Conservation Areas and on the setting and significance of Listed Buildings]**

- 7.1. Policy HB1 of the Local Plan seeks to protect the character and appearance of buildings of architectural or historic interest, particularly protecting the settings of Listed Buildings. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Listed Building or its setting.
- 7.2. As noted by your Heritage officers, the nearest designated heritage assets are located east of Ixworth Road - 2 no. Grade II listed buildings, the Dog Inn and Maltings Cottage. Your Heritage officers do not consider the proposal would result in harm to the designated heritage assets. There is one non-designated heritage asset nearby, Suffolk House, and your officers conclude that the proposal would result in negligible harm to this asset, noting its significance has been already diminished by the more modern development that has occurred around it.
- 7.2. Should members consider that the proposal would result in harm to the significance of the heritage assets, paragraph 196 of the NPPF states that where harm is less than substantial (as would be the case with this proposal) the harm must be weighed against the public benefits of the proposal. The principal public benefits relate to economic and social dimensions of sustainable development. These must all be weighed, together with the identified (negligible) heritage harm, in the planning balance. Your officers consider that the social benefits of the provision of additional housing, and affordable housing, in a sustainable centre of village location outweigh the negligible harm to the significance of heritage assets identified in this instance.
- 7.3. The SCC-Archaeological Unit has assessed the application proposal and advises that there is high potential for the discovery of below-ground heritage assets at the site. SCC-Archaeology

recommends that there are no grounds to consider refusal of permission, should a programme of archaeological works be secured by way of conditions. Your officers concur with the recommended approach.

## **8. Impact on Residential Amenity**

- 8.1. Saved Policy H13 of the Local Plan seeks to ensure new housing development protects the amenity of neighbouring residents. Saved Policy H16 of the Local Plan seeks to protect the existing amenity of residential areas. Paragraph 127 of the NPPF sets out a number of core planning principles as to underpin decision-taking, including, seeking to secure a high standard of amenity for all existing and future occupants of land and buildings.
- 8.2. Representation have been received raising concern with regards potential overlooking and loss of light to neighbouring properties. These are elements that will be afforded close scrutiny at the relevant reserved matters stage of the development process. There is nothing in the application to suggest that such elements cannot be suitably resolved. It is also considered that suitable construction management could be secured by way of condition, should members be minded to approve.
- 8.4. Your officers do not consider that increased vehicle movements on the existing highways leading to and from the site would result in significant harm to the amenities currently enjoyed by existing village residents, to the extent that refusal of the application should be considered on such grounds.
- 8.3. Your officers do not, therefore, consider that the application proposal conflicts with saved Plan Policies H13 or H16, or with the provisions of the NPPF, in this regard.

## **9. Flood Risk and Drainage**

- 9.1. The proposal site is located on land located completely within Environment Agency Flood Zone 1 and, as with the remainder of the village, does not lie within close proximity of EA Flood Zones 2 or 3. The site occupies an elevated position up and away from the Black Bourne River valley, to the east, and is well drained. The site is not, therefore considered to be at significant Flood Risk.
- 9.2. The application is supported by a Flood Risk Assessment (FRA) and drainage report which does not indicate future occupants of neighbouring land would be put at significant risk of flooding as a result of the proposed development. Your officers consider that a detailed sustainable surface water drainage scheme can be secured and managed by way of condition, as per standard industry approach.
- 9.3. With regards disposal of Foul Water: it should be noted that Anglian Water do not object to the proposal. Anglian Water state that the foul drainage from the development is in the catchment of Norton (Suffolk) Water Recycling Centre which does not have capacity to treat the flows. Anglian Water advise that necessary upgrades would be undertaken, to ensure sufficient capacity, should the development be approved, and that the capacity issues identified do not represent a reason for refusal.

## **10. Biodiversity / Ecology**

- 10.1. Policy CS5 of the Core Strategy requires development to protect, manage and enhance Mid Suffolk's biodiversity. The Conservation of Habitats and Species Regulations 2017 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 these regulations it must 'engage' with the provisions of the Habitats Directive.
- 10.2. The application is supported by an ecology report that has been reviewed by the Council's Ecology Consultants and, following the receipt of amendments to the initial report received, your specialist consultants raise no objection to the proposed development, subject to securing ecological mitigation and enhancement measures by way of condition.
- 10.3. Should the suitable mitigation and enhancement measures be secured and undertaken, the proposal would not result in significant harm to protected and priority species and would not result in a direct and significantly harmful impact on the nearby nature reserve, as indicated in representations received, and no objection is raised in this regard. Officers agree with the assessment and advice given by your Ecology Consultants, and the recommended conditional approach, should you be minded to approve.

### **11. Land Contamination**

- 11.1. The application is supported by a Phase 1 Contaminated Land Survey. Council's Environmental Protection Team has reviewed the information and raise no objection.

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

- 12.1. The application is liable to CIL which would be managed through the standard independent CIL process triggered at the reserved matters stage.
- 12.2. As noted above, the application, if approved, would require the completion of a S106 agreement to secure: on-site delivery of 35% affordable housing; and financial contributions towards the building of a new Primary School, as well as towards Secondary School transportation costs, as required by SCC.

### **13. Parish Council Comments**

- 13.1. The matters raised by Norton Parish Council have been addressed in the above report.

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## **PART FOUR – CONCLUSION**

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### **14. Planning Balance and Conclusion**

- 14.1. Council benefits from a five year housing supply. The tilted balance at paragraph 11(d) of the NPPF is not engaged.
- 14.2. The site is outside the settlement boundary and therefore the proposal conflicts with CS1, CS2 and H7. Having regard to the advanced age of the Mid Suffolk settlement boundaries and the absence of a balanced approach as favoured by the NPPF, the statutory weight to be attached to the above policies is reduced and therefore the conflict is afforded limited weight in the planning balance.
- 14.3. The provision of 7 affordable housing units is a social benefit, as is the 20 dwelling contribution to the local housing stock, albeit these considerations are attached less than moderate weight given Council's positive housing supply position. The addition of 20 new dwellings would offer meaningful support for the local services in the village, both during construction and following occupation of the development. The footpath connection to Ixworth Road offers a positive social and environmental value for the local community.
- 14.4. The site is in a sustainable location, offering pedestrian connectivity to local services complemented by a local bus network connecting to settlements nearby. Car dependency will not be essential, limiting environmental harm. The proposal would not be physically, visually or functionally isolated. Paragraph 79 of the NPPF does not engage. The site's sustainable location is afforded positive weight.
- 14.5. The development has the ability to offer biodiversity gains and will result in no significant impact on the nearby nature reserve.
- 14.6. Any developer contributions generated through CIL will be used to ensure existing infrastructure capacity is enhanced to meet additional demand, a neutral to slightly beneficial outcome in the planning balance.
- 14.7. The use of monies secured by way of S106 to contribute to the building of a new local school, is considered to have social, economic and environmental benefits, and to weigh positively in the planning balance, although it is acknowledged that this development alone would not ensure delivery of the School.
- 14.8. Harm to heritage assets will be negligible. There will be no effect on the village's historic core. The level of harm is deemed less than moderate.
- 14.9. The loss of productive agricultural land is unfortunate but is of such relatively small scale (in the context of the quantum of best and most versatile land in the district) that it is attached only very modest weight.
- 14.10. Matters such as archaeology and water drainage and can be resolved or mitigated to an acceptable level by planning conditions.
- 14.11. Whilst the proposed development of the site itself would result in a moderate level of landscape harm, this would be relatively localised and offset by the backdrop of the village immediately adjacent to it. The development would, however, adversely affect the character and appearance of the locality as the increased traffic using the single-track parts of Hawes Lane would likely damage the grassed areas and banks alongside the lane to the detriment of its character and appearance. This harmful impact in landscape and rural character terms is, considered to weigh significantly negatively in the planning balance, in relation to the social and environmental pillars of sustainable development.

- 14.12. Whilst there is no evidence to substantiate the claims made that the local highway network does not have the capacity to safely absorb the traffic generated by the development, and the proposed access arrangements, and the impact on existing highway junctions, are deemed acceptable, the proposal would result in a severe impact on the safety of pedestrians using the rural parts of Hawes Lane. This is despite the proposed additional infrastructure proposed by the applicant. This harm is considered to weigh significantly negatively in the planning balance, in relation to the social and environmental pillars of sustainable development.
- 14.13. In conclusion, whilst the proposal would result in acknowledged positive benefits in terms of its contribution to housing supply, affordable housing contribution, public footpath link to Ixworth Road, and support for local services and facilities, these benefits are not considered to outweigh the harm identified in relation to highway and pedestrian safety and the impact on the rural character of Hawes Lane and its surrounding landscape. For the reasons set out above, the evidence is such that your officers recommend that planning permission is refused.

## **RECOMMENDATION**

That the application is REFUSED planning permission/listed building consent/other for the following reasons:-

- 1) Policy T10 of the development plan lists, as one of the highway matters in considering development proposals, the suitability of the existing roads in terms of, amongst other things, pedestrian safety. NPPF paragraph 109 also provides 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.

The proposal fails to ensure the safety of pedestrians using the rural part of Hawes Lane, Norton and would increase the potential for conflict between pedestrians and vehicles in this location, to the detriment of highway and pedestrian safety. Such conflict is considered to result in an unacceptable and severe impact on highway safety. The proposal is, therefore, considered contrary to development plan policy T10 and the provisions of the NPPF in this regard.

- 2) Policy GP1 of the development plan provides (inter alia) that proposals should maintain or enhance the character and appearance of their surroundings and that layouts should incorporate and protect important natural landscape features. Furthermore, NPPF paragraph 127 c) provides that planning decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting.

The rural nature of the rural part of Hawes Lane, Norton, is set lower than the surrounding agricultural land, is considered an important landscape feature, and helps to define the area's character and appearance. The proposal would result in harm to the character and appearance of the area and to the rural part of the lane due to the likelihood of vehicles damaging land adjacent to the highway due to the constrained width of the lane over a prolonged distance and the sunken nature of the lane itself. The proposed introduction of additional highway infrastructure to this part of the lane is also considered to result in harm to the character and appearance of this important landscape feature. The proposal is, therefore, considered contrary to development plan policy GP1, and NPPF paragraph 127 c) in this regard.