

Consultee Comments for Planning Application DC/20/04429

Application Summary

Application Number: DC/20/04429

Address: Land Off Hawes Lane Norton Suffolk

Proposal: Application for Outline Planning Permission (access to be considered).Town and Country Planning Act 1990 - Erection of 9No dwellings and construction of vehicular access and pedestrian link.

Case Officer: Alex Scott

Consultee Details

Name: Mrs Jillian rowland

Address: Willow Brook Cottage, Ashfield Road, Norton Bury St Edmunds, Suffolk IP31 3NN

Email: Not Available

On Behalf Of: Norton Parish Clerk

Comments

Despite the change to this application the Council still feel their previous objections apply:

T10 This is a small road. There is strong concern about increased traffic generated by the proposed properties on this small single carriage road. As there is no public footway along Hawes Lane and Heath Road the Council consider that further development in this area would present a serious risk to pedestrians. With additional family housing, and also during construction work, road safety issues exist for children and adults alike using Heath Road which has no footpath. It would have a detrimental effect on the amenity of the area by means of additional traffic generation and safety. The suggested provision of additional passing places would have no safety benefit to pedestrians or vehicles using the Lane.

T10 The single carriage road is very narrow and there is a lack of road width which would not allow access by emergency vehicles, particularly fire service vehicles. It is also believed that the maximum road width falls short of the rural road design guide minimum requirement.

A1088 The junction of Heath Road joining the A1088 has been the subject of several near miss accidents. Visibility of vehicles coming from Ixworth is poor and with additional vehicles and construction vehicles using Heath Road this gives rise to concern for safety reasons. (Policy T10). Increased development in Thurston, Elmswell and Woolpit and the recent smaller developments in the adjoining village of Tostock have also created much more traffic at the crossroads with the A1088.

T10 the proposed pedestrian link to the A1088 and main village exits directly on to the A1088 with no pavement which is a pedestrian danger to oncoming traffic. It is opposite a bus stop and does not allow full visibility of vehicles travelling South from the Ixworth direction, which would present a danger to pedestrians attempting to cross the A1088, particularly any children having to cross the road twice a day for the school.

SC1 - Physical Infrastructure it is questioned whether drainage and sewerage systems in this area would be sufficient to cope with additional properties. The local school (which is already at near maximum capacity) and the local Health Centre would not cope with the additional workload. There is currently a number of sites with approved application so this site would result in a large number of proposed new houses for the village, which the Council feel the infrastructure could not deal with.

The indicative layout of the proposal clearly lends itself to future applications.

The Council is concerned about the proximity of the proposed development to the Wildlife Nature Reserve and the impact additional houses and vehicles would have on this protected area.

Bearing in mind the climate and biodiversity emergency declared it is important that the countryside is preserved. The proposed site is outside the settlement boundary.

The development is stated as self-build which would mean no CIL payable to benefit the village.

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Consultee Details

Name: Mrs Jillian rowland

Address: Willow Brook Cottage, Ashfield Road, Norton Bury St Edmunds, Suffolk IP31 3NN

Email: rowland@talk21.com

On Behalf Of: Norton Parish Clerk

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From: SM-NE-Consultations (NE) <consultations@naturalengland.org.uk>
Sent: 04 December 2020 11:03
To: BMSDC Planning Area Team Yellow <planningyellow@babberghmidsuffolk.gov.uk>
Subject: Planning Consultation DC/20/04429 Natural England Response

Dear Sir or Madam,

Application ref: DC/20/04429
Our ref: 336155

Natural England has no comments to make on this application.

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

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

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

We recommend referring to our SSSI Impact Risk Zones (available on [Magic](#) and as a downloadable [dataset](#)) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>

Yours faithfully

Corben Hastings
Support Adviser, Operations Delivery
Consultations Team
Natural England
Hornbeam House, Electra Way
Crewe, Cheshire, CW1 6GJ
Tel: 0300 060 3900
Email: consultations@naturalengland.org.uk

During the current coronavirus situation, Natural England staff are working remotely and from some offices to provide our services and support our customers and stakeholders. Although some offices and our Mail Hub are now open, please continue to send any documents by email or contact us by phone to

From: SM-NE-Consultations (NE) <consultations@naturalengland.org.uk>
Sent: 14 October 2020 10:06
To: BMSDC Planning Area Team Yellow <planningyellow@baberghmidsuffolk.gov.uk>
Subject: DC/20/04429 NE Response

FAO Sarah Scott

Dear Ms Scott,

Application ref: DC/20/04429
Our ref: 330567

Natural England has no comments to make on this application.

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

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Yours sincerely,

Ben Jones

Operations Delivery
Consultations Team
Natural England
Hornbeam House
Electra Way
Crewe
Cheshire
CW1 6GJ
Email: consultations@naturalengland.org.uk

www.gov.uk/natural-england

Your Ref: DC/20/04256 & 04429
Date: 08 December 2020
Highways Enquiries to: luke.barber@suffolk.gov.uk



All planning enquiries should be sent to the Local Planning Authority.

The Planning Department
Mid Suffolk District Council
1st Floor, Endeavour House
8 Russell Road
Ipswich
Suffolk
IP1 2BX

For the Attention of: Alex Scott

Dear Alex

**TOWN AND COUNTRY PLANNING ACT 1990
CONSULTATION RETURN – DC/20/04256 & 04429**

PROPOSAL: Application for Outline Planning Permission (some matters reserved, access to be considered). Town and Country Planning Act 1990 - Erection of 20 or 9 No dwellings and construction of vehicular access and pedestrian link.

LOCATION: Land Off Hawes Lane, Norton, Suffolk

Further to the Suffolk County Council (SCC) highways response letters dated 21st October 2020 (your Ref: DC/20/04256 and DC/20/04429) for 20 dwellings and 9 dwelling respectively, SCC have reconsidered the highways safety aspects of these applications in the light of comments made in respect of appeal reference APP/W3520/W/20/3245218, related to the same site location.

The PINS 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 2019 National Planning Policy Framework (NPPF 2019). This was 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. It is acknowledged that the new development would create a pedestrian link from the site, linking Hawes Lane with the A1088 in the centre of the village, so there would be no significant additional pedestrian activity on Hawes Lane arising from the development. However, this was not considered sufficient to mitigate the severe impact, in the considered view of the Inspector on the appeal site. They considered the pedestrian safety of the residents of the existing properties on Hawes Lane and other pedestrians using Hawes Lane to access several well used Public Rights of Way in the area.

The new sites have included some localised widening of Hawes Lane to potentially mitigate these impacts. 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, in relation to the 20 dwelling site (DC/20/04256) the severe impact remains. With the smaller site (DC/20/04429) the vehicular trip generation would be lower and therefore the likelihood of conflict between pedestrians would also be reduced. There is still insufficient evidence to show that the mitigation proposed would adequately address the severe impact identified at the appeal. For this reason, SCC would recommend that **planning permission is refused on highway grounds** for both applications, until an adequate highway mitigation scheme is proposed to fully deal with the highway safety issues identified at the previous appeal.

As a general point, SCC fully endorses the approach by BMSDC as proposed in their emerging Joint Local Plan (Pre-Submission (Regulation 19) Consultation Stage) that site allocations should be plan-led in order to fully understand and assess the infrastructure implications including the impacts on the local highway network.

Should further improvements be proposed to adequately address the highways safety matters be proposed and SCC be reconsulted on by the LPA, we would be happy to re-consider our position on these development schemes.

Yours sincerely,

Mr Luke Barber
Principal Engineer
Development Management
Strategic Development

Your Ref:DC/20/04429
Our Ref: SCC/CON/4058/20
Date: 21 October 2020
Highways Enquiries to: Highways.DevelopmentControl@suffolk.gov.uk



All planning enquiries should be sent to the Local Planning Authority.

Email: planning@babberghmidsuffolk.gov.uk

The Planning Department
MidSuffolk District Council
Planning Section
1st Floor, Endeavour House
8 Russell Road
Ipswich
Suffolk
IP1 2BX

For the attention of: Sarah Scott

Dear Sarah,

TOWN AND COUNTRY PLANNING ACT 1990

CONSULTATION RETURN: DC/20/04429

PROPOSAL: Application for Outline Planning Permission (some matters reserved, access to be considered). Town and Country Planning Act 1990 - Erection of 9 No dwellings and construction of vehicular access and pedestrian link.

LOCATION: Land Off Hawes Lane, Norton, Suffolk,

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

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 9 dwellings would create approximately 5 vehicle movements within the peak hour (1 vehicle every 6 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.

CONDITIONS

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

Visibility Condition: Before the access is first used visibility splays shall be provided with an X dimension of 2.4m and a Y dimension of 60m and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

Access Condition: Before the development is commenced, details of the access and associated works, (including layout, levels, gradients, surfacing and means of preventing surface water discharge on the highway), shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that roads/footways are constructed to an acceptable standard.

Highway Condition: Before commencement, the developer shall provide details and construct highway improvements including road widening and passing places as indicated on Drawing No 100-225/004A in accordance with Suffolk County Council specification which shall first have been submitted to and approved by the Local Planning Authority.

Reason: To ensure that suitable highway improvements are provided to access the application site.

Footway Condition: Before any dwelling is first occupied, the developer shall provide details and construct the footway between the site and Ixworth Road, the footway on west side of Ixworth Road and pedestrian crossing point which shall first have been submitted to and approved by the Local Planning Authority.

Reason: To ensure that suitable footways are provided to access the application site and to connect the sites with public rights of way and footway network.

Parking Condition: Before the development is commenced details of the areas to be provided for the manoeuvring and parking of vehicles including electric vehicle charging units and secure cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

Reason: To enable vehicles to enter and exit the public highway in forward gear in the interests of highway safety.

Bin Condition: Before the development is commenced details of the areas to be provided for storage and presentation of Refuse/Recycling bins shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

Reason: To ensure that refuse recycling bins are not stored on the highway causing obstruction and dangers for other users.

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

- Means of access for construction traffic
- haul routes for construction traffic on the highway network and monitoring and review mechanisms.
- provision of boundary hoarding and lighting
- details of proposed means of dust suppression
- details of measures to prevent mud from vehicles leaving the site during construction
- details of deliveries times to the site during construction phase
- details of provision to ensure pedestrian and cycle safety
- programme of works (including measures for traffic management and operating hours)
- parking and turning for vehicles of site personnel, operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials

- maintain a register of complaints and record of actions taken to deal with such complaints at the site office as specified in the Plan throughout the period of occupation of the site.

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

Yours sincerely,

Samantha Harvey

Senior Development Management Engineer

Growth, Highways and Infrastructure

-----Original Message-----

From: Matthew Baker <Matthew.Baker@suffolk.gov.uk>

Sent: 03 December 2020 09:12

To: Alex Scott <Alex.Scott@babberghmidsuffolk.gov.uk>; BMSDC Planning Area Team Yellow <planningyellow@babberghmidsuffolk.gov.uk>

Subject: RE: MSDC Planning Re-consultation Request - DC/20/04429

Dear Alex

I have looked at the revised site plans, dated 30th November 2020. The revised plans do not affect our previous advice.

Please do get in contact if you or the applicant have any questions.

Kind regards,

Matthew

Matthew Baker
Archaeological Officer

Suffolk County Council Archaeological Service, Bury Resource Centre, Hollow Road, Bury St Edmunds, IP32 7AY

Tel.: 01284 741329

Mob.: 07707649302

Email: matthew.baker@suffolk.gov.uk

Website: <http://www.suffolk.gov.uk/archaeology>

Suffolk Heritage Explorer: <https://heritage.suffolk.gov.uk> Follow us on Twitter: @SCCArchaeology

Like us on Facebook: @SCCArchaeologicalService Follow us on Instagram: @SCCArchaeology If you are contacting me about Development Management please quote the planning application number where possible.

Growth, Highways and Infrastructure
Bury Resource Centre
Hollow Road
Bury St Edmunds
Suffolk
IP32 7AY

Philip Isbell
Corporate Manager - Development Manager
Planning Services
Babergh and Mid Suffolk District Councils
Endeavour House
8 Russell Road
Ipswich IP1 2BX

Enquiries to: Matthew Baker
Direct Line: 01284 741329
Email: Matthew.Baker@suffolk.gov.uk
Web: <http://www.suffolk.gov.uk>

Our Ref: 2020_04429
Date: 19th October 2020

For the Attention of Sarah Scott

Dear Mr Isbell

Planning Application DC/20/04429/OUT – Land Off Hawes Lane, Norton: Archaeology

This site lies in an area of archaeological potential recorded on the County Historic Environment Record (HER), close to the historic core of the Village, which has medieval origins. Archaeological investigations in the village have identified finds and features of medieval date (HER ref nos. NRN 024 & NRN 033). Ixworth Road, which lies c.60m east of the development site is thought to have Roman origins (NRN 008). Furthermore, cropmarks have been identified in the fields to the immediate west of the proposed development site, which include pre-modern field systems, trackways and a ring-ditch (NRN 015). The ring-ditch is likely to be a Bronze Age funerary monument, further Bronze Age activity can be seen in the area to the north with the finds spot of a Bronze Spear (NRN 006).

As a result, there is high potential for the discovery of below-ground heritage assets of archaeological importance within this area, and groundworks associated with the development have the potential to damage or destroy any archaeological remains which exist.

There are no grounds to consider refusal of permission 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.

In this case the following two conditions would be appropriate:

1. No development shall take place within the area indicated [the whole site] until the implementation of a programme of archaeological work has been secured, in accordance

with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority.

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

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

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

REASON:

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

INFORMATIVE:

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

I would be pleased to offer guidance on the archaeological work required and, in our role as advisor to Mid Suffolk District Council, the SCC Archaeological Service will, on request of the applicant, provide a specification for the archaeological work required at this site. In this case, an archaeological evaluation will be required to establish the potential of the site and decisions on the need for any further investigation (excavation before any groundworks commence and/or monitoring during groundworks) will be made on the basis of the results of the evaluation.

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

Please do get in touch if there is anything that you would like to discuss or you require any further information.

Yours sincerely,

Matthew Baker

Archaeological Officer
Suffolk County Council Archaeological Service

Mid Suffolk District Council
Planning Department
Endeavour House
Russell Road
Ipswich
IP1 2BX

Fire Business Support Team
Floor 3, Block 2
Endeavour House
8 Russell Road
Ipswich, Suffolk
IP1 2BX

Your Ref:
Our Ref: FS/F305912
Enquiries to: Water Officer
Direct Line: 01473 260588
E-mail: Fire.BusinessSupport@suffolk.gov.uk
Web Address: <http://www.suffolk.gov.uk>

Date: 21/10/2020

Dear Sirs,

LAND OFF HAWES LANE, NORTON, SUFFOLK, IP31 3LS
Planning Application No: DC/20/04429/OUT

I refer to the above application.

The plans have been inspected by the Water Officer who has the following comments to make.

Access and Fire Fighting Facilities

Access to buildings for fire appliances and firefighters must meet with the requirements specified in Building Regulations Approved Document B, (Fire Safety), 2006 Edition, incorporating 2010 and 2013 amendments Volume 1 - Part B5, Section 11 dwelling houses, and, similarly, Volume 2, Part B5, Sections 16 and 17 in the case of buildings other than dwelling houses. These requirements may be satisfied with other equivalent standards relating to access for fire fighting, in which case those standards should be quoted in correspondence.

Suffolk Fire and Rescue Service also requires a minimum carrying capacity for hard standing for pumping/high reach appliances of 15/26 tonnes, not 12.5 tonnes as detailed in the Building Regulations 2000 Approved Document B, 2006 Edition, incorporating 2010 and 2013 amendments.

Water Supplies

No additional water supply for fire fighting purposes is required in respect of this planning application.

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. (Please see sprinkler information enclosed with this letter).

/continued

OFFICIAL

Consultation should be made with the Water Authorities to determine flow rates in all cases.

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

Yours faithfully

Water Officer

Suffolk Fire and Rescue Service

Copy : info@philcobboldplanning.co.uk

Enc : Sprinkler Letter

From: Tegan Chenery
Sent: 09 December 2020 11:39
To: Alex Scott
Subject: DC/20/04429 - Heritage response

Hello Alex,

DC/20/04429 – Land off Hawes Lane, Norton

This is an outline application for the erection of 9 dwellings and construction of vehicular access and pedestrian link, with access only to be considered. I note that this application site forms the western part of another current outline application (DC/20/04256) for 20 dwellings with only access to be considered.

The issues of heritage concern relate to the potential impact of the proposal on the setting of the nearby Grade II listed 'The Dog Inn' and 'Maltings Cottage' (as named on the National Heritage Listed for England) to the east of Ixworth Road. In addition, heritage concerns relate to the non-designated heritage asset 'Suffolk House' – which is a probably 19th century gault brick dwelling. Its associated flint boundary wall and outbuilding(s) also contribute to the character of the historic village core and the rural setting.

This scheme follows a previous outline application for 20 dwellings (DC/19/01236) which was refused and then dismissed at Appeal. I acknowledge the Inspector's comments noted in the Appeal decision, where they state that there would be 'no impact' on the setting of the designated heritage assets.

Due to the current proposal site now being reduced in area and moved to the west away from the listed buildings, I consider the level of harm I previously identified to have been reduced.

In the previous scheme in 2019 I considered that there would be a negligible level of harm to the setting and subsequently the significance of the two listed buildings – The Dog Inn and Maltings Cottage. This would now be reduced to *no harm*.

I also previously considered there would be a very low level of less than substantial harm to Suffolk House, a non-designated heritage asset. This would now be considered a *negligible level of harm*.

Tegan Chenery BA(Hons) MSt
Heritage and Design Officer
Babergh and Mid Suffolk District Councils - Working Together



02 December 2020

Alex Scott
Mid Suffolk District Council
Endeavour House
8 Russell Road
Ipswich IP1 2BX

By email only

Thank you for requesting advice on this outline application from Place Services' ecological advice service. This service provides advice to planning officers to inform Mid Suffolk District Council planning decisions with regard to potential ecological impacts from development. Any additional information, queries or comments on this advice that the applicant or other interested parties may have, must be directed to the Planning Officer who will seek further advice from us where appropriate and necessary.

Application: DC/20/04429
Location: Land Off Hawes Lane Norton Suffolk
Proposal: Application for Outline Planning Permission (some matters reserved, access to be considered). Town and Country Planning Act 1990 - Erection of 9No dwellings and construction of vehicular access and pedestrian link.

Dear Alex,

Thank you for re-consulting Place Services on the above outline application.

No objection subject to securing ecological mitigation and enhancement measures

Summary

We have reviewed the Updated ecology report (MHE Consulting Ltd, November 2020) relating to the likely impacts of development on designated sites, protected and Priority species & habitats.

We 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.

The updated ecology report (MHE Consulting Ltd, November 2020) advises the removal of the two short lengths of roadside species-poor hedgerow will be compensated by the proposed site landscaping which includes some native hedgerow and tree planting. The new sections of hedgerow should be species-rich using a native species mix. Therefore, further hedgerow planting will need to be demonstrated at reserved matters stage within an amended Proposed Site Plan & Block Plan, which will need to be proportionate for the loss of the proposed hedgerow removal.

The mitigation measures identified in the Updated ecology report (MHE Consulting Ltd, November 2020) should be secured and implemented in full. This is necessary to conserve and enhance protected



and Priority Species. This should include where possible, hedgehog gaps in fencing to allow hedgehogs to forage within gardens of the new dwellings.

We recommend that a Wildlife Friendly Lighting Strategy is implemented for this application. Therefore, technical specification should be submitted prior to occupation, which demonstrates measures to avoid lighting impacts to foraging / commuting bats, which are likely present within the local area. This should summarise the following measures will be implemented:

- Light levels should be as low as possible as required to fulfil the lighting need.
- Warm White lights should be used at <3000k. This is necessary as lighting which emit an ultraviolet component or that have a blue spectral content have a high attraction effects on insects. This may lead in a reduction in prey availability for some light sensitive bat species.
- The provision of motion sensors or timers to avoid the amount of 'lit-time' of the proposed lighting.
- Lights should be designed to prevent horizontal spill e.g. cowls, hoods, reflector skirts or shields.

We also support the proposed reasonable biodiversity enhancements, which have been recommended to secure measurable net gains for biodiversity, as outlined under Paragraph 170d of the National Planning Policy Framework 2019. The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy.

This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

Impacts will be minimised such that the proposal is acceptable subject to the conditions below based on BS42020:2013.

Submission for approval and implementation of the details below should be a condition of any planning consent.

Recommended conditions

1. CONCURRENT WITH RESERVED MATTERS: ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

"All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Updated ecology report (MHE Consulting Ltd, November 2020) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details."



Reason: To conserve Protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 and s17 Crime & Disorder Act 1998.

2. CONCURRENT WITH RESERVED MATTERS: BIODIVERSITY ENHANCEMENT STRATEGY

“A Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority, following the details contained within the Updated ecology report (MHE Consulting Ltd, November 2020).

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;*
- b) detailed designs to achieve stated objectives;*
- c) locations of proposed enhancement measures by appropriate maps and plans;*
- d) persons responsible for implementing the enhancement measures;*
- e) details of initial aftercare and long-term maintenance (where relevant).*

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.”

Reason: To enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

3. CONCURRENT WITH RESERVED MATTERS: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

“A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.”

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

Please contact us with any queries.

Yours sincerely,

Hamish Jackson ACIEEM BSc (Hons)

Ecological Consultant

placeservicesecology@essex.gov.uk



03 November 2020

Alex Scott
Mid Suffolk District Council
Endeavour House
8 Russell Road
Ipswich IP1 2BX

By email only

Thank you for requesting advice on this outline application from Place Services' ecological advice service. This service provides advice to planning officers to inform Mid Suffolk District Council planning decisions with regard to potential ecological impacts from development. Any additional information, queries or comments on this advice that the applicant or other interested parties may have, must be directed to the Planning Officer who will seek further advice from us where appropriate and necessary.

Application: DC/20/04429
Location: Land Off Hawes Lane Norton Suffolk
Proposal: Application for Outline Planning Permission (some matters reserved, access to be considered). Town and Country Planning Act 1990 - Erection of 9No dwellings and construction of vehicular access and pedestrian link.

Dear Alex,

Thank you for consulting Place Services on the above outline application.

Holding objection due to insufficient ecological information

Summary

We have reviewed the Ecological Survey (MHE Consulting Ltd, November 2018) provided by the applicant, relating to the likely impacts of development on designated Sites, protected and Priority species & Habitats.

We are not satisfied that sufficient ecological information is currently available for determination of this application. This is because the Ecological Survey (MHE Consulting Ltd, November 2018) is out of date to accompany this application, following the Chartered Institute of Ecology and Environmental Management (CIEEM) - Advice note on the Lifespan of Ecological Reports and Surveys (April 2019) - <https://cieem.net/wp-content/uploads/2019/04/Advice-Note.pdf>. This is due to the last update field survey being undertaken over 23 months ago in November 2018.

Therefore, it is recommended that the professional ecologist will need to undertake a site visit and may also need to update desk study information for this application. An addendum to the ecological report should then be provided, with appropriate justification on the validity of the report. In addition, the addendum must also consider whether further ecological considerations will be required from this amended application.



This further information is required to provide the LPA with certainty of impacts on protected and Priority species and enable it to demonstrate compliance with its statutory duties, including its biodiversity duty under s40 NERC Act 2006.

We look forward to working with the LPA and the applicant to provide the additional information to overcome our holding objection.

Please contact us with any queries.

Yours sincerely,

Hamish Jackson ACIEEM BSc (Hons)

Ecological Consultant

placeservicesecology@essex.gov.uk

Place Services provide ecological advice on behalf of Mid Suffolk District Council

Please note: This letter is advisory and should only be considered as the opinion formed by specialist staff in relation to this particular matter.

From: Nathan Pittam <Nathan.Pittam@babberghmidsuffolk.gov.uk>
Sent: 04 December 2020 09:32
To: Sarah Scott <Sarah.Scott@babberghmidsuffolk.gov.uk>
Cc: BMSDC Planning Mailbox <planning@babberghmidsuffolk.gov.uk>
Subject: DC/20/04429. Land Contamination

Dear Sarah

EP Reference : 284529
DC/20/04429. Land Contamination
Land off, Hawes Lane, Norton, BURY ST EDMUNDS, Suffolk.
Re-Consultation - Application for Outline Planning Permission (some matters reserved, access to be considered).Town & Country Planning Act 1990- Erection of 9No dwellings and construction of vehicular access

Many thanks for your request for comments in relation to the above application. I can confirm that I have no additional comments to make other than those made on 15th October 2020.

Kind regards

Nathan

Nathan Pittam BSc. (Hons.) PhD
Senior Environmental Management Officer

Babergh and Mid Suffolk District Councils – Working Together

Email: Nathan.pittam@babberghmidsuffolk.gov.uk
Work: 01449 724715
websites: www.babergh.gov.uk www.midsuffolk.gov.uk

From: Nathan Pittam <Nathan.Pittam@babberghmidsuffolk.gov.uk>
Sent: 15 October 2020 11:49
To: Sarah Scott <Sarah.Scott@babberghmidsuffolk.gov.uk>
Cc: BMSDC Planning Area Team Yellow <planningyellow@babberghmidsuffolk.gov.uk>
Subject: DC/20/04429. Land Contamination

Dear Sarah

EP Reference : 282488
DC/20/04429. Land Contamination
Land off, Hawes Lane, Norton, BURY ST EDMUNDS, Suffolk.
Application for Outline Planning Permission (some matters reserved, access to be considered).Town and Country Planning Act 1990 - Erection of 9No dwellings and construction of vehicular access and pedestrian link.

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

Kind regards

Nathan

Nathan Pittam BSc. (Hons.) PhD
Senior Environmental Management Officer

Babergh and Mid Suffolk District Councils – Working Together

Email: Nathan.pittam@babberghmidsuffolk.gov.uk
Work: 01449 724715
websites: www.babergh.gov.uk www.midsuffolk.gov.uk



Consultation Response Pro forma

Mid Suffolk

1	Application Number	DC/20/04429 – Land Off Hawes Lane, Norton, Suffolk.	
2	Date of Response	03/11/2020	
3	Responding Officer	Name:	SACHA TILLER
		Job Title:	HOUSING ENABLING
		Responding on behalf of...	HOUSING STRATEGY
4	Recommendation (please delete those N/A) Note: This section must be completed before the response is sent. The recommendation should be based on the information submitted with the application.	<p>No further comments on this application for the following reasons.</p> <p>The total no. of dwelling space is less than 0.5 hectares and less than 10 dwellings therefore no affordable contribution is required.</p> <p>Should this change then planning permission should be re-sought.</p>	
5	Discussion Please outline the reasons/rationale behind how you have formed the recommendation. Please refer to any guidance, policy or material considerations that have informed your recommendation.	<p>Planning application purports to erection of 9 dwellings with a site size of 0.49 hectares.</p> <p>CONTRIVED SITE We have also been consulted on site: DC/20/04256 this site is for 20 dwellings and potentially includes parts of the site DC/20/04429. We would like it noted that should DC/20/04429 be approved and the adjoining site also be put forward for planning these sites will both need to be jointly assessed for affordable housing as they will be over the policy threshold of 10 units, 0.5 hectares.</p>	
6	Amendments, Clarification or Additional Information Required (if holding objection) If concerns are raised, can they be overcome with changes? Please ensure any requests are proportionate		
7	Recommended conditions	Should this change then planning permission should be re-sought.	

Please note that this form can be submitted electronically on the Councils website. Comments submitted on the website will not be acknowledged but you can check whether they have been received by reviewing comments on the website under the application reference number. Please note that the completed form will be posted on the Councils website and available to view by the public.



Appeal Decision

Site visit made on 26 May 2020

by **Peter Mark Sturgess BSc (Hons), MBA, MRTPI**

an Inspector appointed by the Secretary of State.

Decision date: 14/7/20

Appeal Ref: APP/W3520/W/20/3245218

Land off Hawes Lane, Norton, Bury St. Edmunds, Suffolk IP31 3LS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Ash Property Consortium Ltd against the decision of Mid Suffolk District Council.
 - The application Ref DC/19/01236, dated 26 February 2019, was refused by notice dated 17 October 2019.
 - The development proposed is erection of 20 dwellings construction of vehicular access and pedestrian link.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Ash Property Construction Ltd against Mid Suffolk District Council. This application is the subject of a separate Decision.

Procedural Matters

3. The application was submitted in outline with all matters reserved apart from access. I have dealt with the appeal on this basis and have treated the layout details shown on drawing number 100-225/003B, dated 20 December 2020, as being for illustrative purposes only.

Background and Main Issues

4. The Council's reason for refusal refers to the 'amenity for existing residents'. However, it is clear from the evidence in this regard, that this matter relates to highway safety rather than the living conditions of the occupiers of nearby dwellings. Against this background I consider the main issues to be the effect of the proposal on the character and appearance of Hawes Lane and the effect of the proposal on highway safety.

Reasons

Character and appearance of the area

5. The site lies on the north western edge of the village of Norton. To the north and west of the site is agricultural land with the bulk of the village lying to the south and east. There is a sharp transition between the developed part of the lane and the longer part which crosses agricultural land to the north.

6. The appeal site has the appearance of an uncultivated paddock with a line of tall trees along its north-eastern boundary. Its boundary with Hawes Lane is well vegetated with trees and bushes.
7. Hawes Lane is a rural single-track road which connects Heath Road to the south with Thurston Road to the north. At its southern end it gives access to 5 dwellings and has a grass verge on both sides which is level with the road surface. Outside the built area of the village it adopts a rural character, remains single-track and is lower than the fields either side, with a near vertical face to the road edge and banks in some places, until it reaches a wooded area to its western side where it is possible for vehicles to pass. It would be difficult in the sunken part of the lane for cars to pull on to the verge and pass oncoming traffic, due to the height of some of the banks alongside it. I noted on my site visit that the lane was being used to access the adjacent arable land by large agricultural machinery. However, I saw no evidence of vehicles currently damaging the verge or bank along the lane.
8. The vehicular traffic generated by the appeal site would use Hawes Lane exclusively to gain access to the proposed dwellings. Turning a lane used to access around 5 dwellings and agricultural machinery into one used to access at least 25 dwellings, plus the agricultural machinery.
9. The proposal would widen the lane across its frontage and provide a passing bay in Hawes Lane, between the appeal site and its junction with Heath Road. Whilst this would change the character of the lane in front of the appeal site, the lane would retain its rural/single track character to the north of the appeal site and residential/single lane character to the south.
10. The character of Hawes Lane is derived from its single lane nature and the land either side. Where it is located within the built-up area of the village it has grass verges either side, level with the metalled part of the road. The verge at present exhibits no obvious signs of being used by vehicles. In all likelihood, despite the provision of a passing place drivers accessing the development will use the grass verges to avoid oncoming traffic as the verge is easily accessible from the carriageway. The introduction of the passing bay would make little difference as traffic is able to pass in this part of the lane by accessing the grass verges.
11. In the rural part of the lane cars will, either erode the near vertical edges either side of the metalled part of the road or attempt to mount the grass banks in order to pass oncoming vehicles. The local highway authority (LHA) has advised that drivers might take this route to avoid the junction of Hawes Lane and Heath Road, which has substandard visibility, potentially exacerbating the harm caused by the additional traffic in this part of the lane. This will damage the grass banks either side of the lane to the detriment of its character and appearance. This is more than just 'wear and tear' to the road surface for which the LHA would be responsible, it would affect land either side of the road, which appears to be outside the limits of the public highway. Moreover, it has not been demonstrated through the evidence that the verge is under the control of either the LHA or the appellant. I note what the appellant has said regarding how this approach might affect the consideration of other proposals but taking this proposal on its merits I consider it would cause harm to the character and appearance of Hawes Lane.

12. The development plan for the area includes the 'Mid Suffolk Local Plan 1998 – saved policies (LP)', the 'Mid Suffolk Core Strategy Development Plan Document – September 2008' (CS) and the 'Mid Suffolk Core Strategy – Focused Review – December 2012' (CSFR). Saved Policy GP1 and T10 of the LP seek to ensure that new development that damages the character of the area surrounding a development will be resisted and that safety for users of the public highway is maintained.
13. A note appended to Policy T1 advises that the policy should be read in conjunction with Policy GP1 which sets out the design matters to be addressed in all new developments. This is an outline application and therefore most of the design matters referred to in Policy GP1 are not relevant. However, it is necessary to examine the impact of the traffic generated by the development on the surrounding roads, as this will be fixed by the number of dwellings permitted should this appeal be allowed. It is this traffic that could have an impact on the character and appearance of the area in the vicinity of the appeal site.
14. Policy GP1, as well as setting general guidance criteria which new development will be expected to meet, also expects development to maintain or enhance the character and appearance of the surrounding area. I consider that the appeal proposal is in conflict with this policy as the additional traffic generated would damage the character and appearance of the rural part of Hawes Lane from which the appeal site is accessed. This is set out in paragraph 11 above. This view is reinforced by the explanation to Policy GP1 which defines, amongst other things, sustainable development in terms of making sure that new development does not harm or detract from what already exists.
15. I find that the appeal proposal would harm the character and appearance of the surrounding area and therefore is in conflict with Policy GP1 of the LP. This is 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.

Highway safety

16. As I stated in the background and main issues section above, I consider that this main issue relates to highway safety rather than the amenity/living conditions of the existing residents. I have therefore addressed the highway safety issues raised in the evidence in this section.
17. Saved Policy T10 of the LP 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. I consider that the proposed development is 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.
18. Reference has been made by the appellant to the need for a construction management plan (CMP) to manage the impacts of the construction of the development on the local road network. I am satisfied that a properly framed and enforceable CMP could adequately mitigate any adverse effects on the local road network brought about by construction traffic. I note a condition has been

suggested by the LHA to ensure an effective CMP is delivered should planning permission be granted. I am satisfied that such a condition would adequately mitigate the effects the construction of the development would have on the local area.

19. I note that the LHA has raised no highway concerns, subject to appropriate conditions. However, the conditions themselves do not address the issue of pedestrian safety in the rural part of Hawes Lane. I am satisfied that vehicular safety at the entrance to the site, on to Hawes Lane, can be assured. I am also 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.
20. Hawes Lane is used by pedestrians to access the countryside surrounding the village. I observed on my site visit a well-used public footpath leading from Hawes Lane into the countryside. This is reinforced by the representations received by local residents, some of whom have indicated that the lane is used to access a local nature reserve. The appellant describes this as 'hearsay', however from my observations and examining the representations received I can understand how Hawes Lane could be used by local people in this way. 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 addition of a further 20 houses with associated vehicular movements throughout the day can only make this situation more hazardous for pedestrians and other non-vehicular users of the lane.
21. Both the Council, in their statement, and the appellant have referred to highway safety in Heath Road. I note Heath Road has no footways. However, it does have housing either side, which would indicate to motorists that they are likely to encounter pedestrians using the road. It 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 appeal proposal also makes provision for a pedestrian link from the appeal site into the village, which could act as an alternative route to the services of the village for the residents of Heath Road. I therefore do not consider that pedestrian safety in Heath Road would be harmed by the appeal proposal.
22. It is agreed between the parties that the junction between Heath Road and Hawes Lane has substandard visibility. It is common in villages to have junctions that do not meet modern highways standards. Moreover, the LHA has considered the appeal proposal from a highway safety point of view and has raised no issue with regard to this junction safely accommodating the additional traffic generated by the proposed development. I therefore see no issue in its ability to safely accommodate the additional traffic generated.
23. The appellant in his response to the Council's statement, at paragraph 5.5, has acknowledged that the metalled carriageway of Hawes Lane is narrow. He also states that there are opportunities for vehicles to pass using the verge as they have always done. Whilst I accept that this is possible 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. In this part of the lane there might well be a need for cars to reverse to allow oncoming traffic to pass. With regard to traffic leaving the appeal site and turning left, into the village, rather than right, into the rural lane, the LHA has stated that the right turn might be considered by drivers to avoid the substandard junction with Heath Road. This strengthens my view that a significant amount of traffic leaving the appeal site will turn right and use the rural part of Hawes Lane and have a consequent impact on pedestrian safety.

24. 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, none of these measures, either in combination or by themselves, would address pedestrian safety in the rural part of Hawes Lane. The rural part of Hawes Lane is used by people in the village to access the surrounding open countryside. This would still be the case should the appeal 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. I accept that pedestrians do not have priority over the use of Hawes Lane, as stated by the appellant, however they need a safe and convenient way of avoiding oncoming cars if the proposed development is to be considered acceptable.
25. I therefore find that the proposal is in conflict with Policy T10 of the LP, as it fails to ensure the safety of pedestrians using the rural part of Hawes Lane. Whilst the Council refers to Policies H16 of the LP and FC1.1 of the CSFR, these policies are not relevant to this issue as the argument the Council has advanced relates wholly to highway safety matters. These policies address, amongst other things, the issue of the 'amenity'/living conditions of neighbouring residential occupiers which are not addressed by the Council in its evidence. As this is an outline application the effect on 'amenity' or living conditions of the surrounding residential occupiers by the development will be considered at a later stage, should planning permission be granted.

Conclusion on main issues

26. I find 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. This would go beyond normal wear and tear, as it would affect the land either side of the metalled part of the highway. It might also be damage that, whilst it is visually detrimental to the character and appearance of the lane, does not affect the ability of vehicular traffic to use the lane.
27. I also consider 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 appeal proposal will lead to an increase in traffic using the rural part of the lane. This part of the lane also leads to a local nature reserve, 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.

28. Issues have been raised concerning the safety of pedestrians in Heath Road, the standard of the junction between Heath Road and Hawes Lane, the provision of a pedestrian link between the proposed development and the village, the provision of a passing bay on the village part of Hawes Lane, provision of a CMP and the widening of the lane across the frontage of the appeal site. Whilst I have largely agreed that these are all acceptable in either planning or highway safety terms, they are not sufficient, either on their own or in combination to outweigh the harm I have identified.
29. I therefore find for the reasons given above that the appeal proposal is in conflict with saved Policies GP1 and T10 of the LP.

Other Matters

Principle of development

30. The council officer's report identifies a conflict between the policies of the development plan and the appeal proposal. In particular LP Policy H7, CS Policies CS1 and CS2 and FC2 of the CSFR. This is primarily due to the site lying outside the settlement boundary of Norton and not complying with the list of developments which are defined as being appropriate to a countryside location. The Council considers that these policies are out of date as they are not consistent with the National Planning Policy Framework (the Framework), being more restricted and negatively worded. I have assessed these policies against the requirements of the Framework. I agree that they are inconsistent as they are more restrictive in their approach to new development than the Framework and therefore out of date.

Design, layout and landscaping

31. As this is an outline application, the drawing submitted with the proposal is for illustrative purposes only. In terms of the principle of development the design, layout and landscape impact demonstrate that a development of 20 houses can be accommodated on the site and meet the requirements of the development plan.

Heritage Issues

32. Reference is made in the officer's report to the presence of listed buildings in the village centre and a non-designated heritage asset nearby. The report concludes that given the proximity of the heritage asset to the appeal site the proposal will cause a 'negligible level' of harm to the designated asset and 'a very low level of less than substantial harm to the non-designated asset'. Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states, amongst other things, that special regard is to be paid to the desirability of preserving the listed building or its setting. The listed buildings referred to in the evidence are the Dog Inn and Malting Cottage. Both these buildings are on the opposite side of the A1088 and some distance from the appeal site. They are also separated from the appeal site by development. Whilst I have had regard to the duties on decision takers in terms of the 1990 Act, I consider that the appeal site would have no impact on the setting of these listed buildings as they are already surrounded by development, they are some distance from the appeal site on the other side of a busy main road

and would be seen against the back drop of this existing development. The proposed development would therefore preserve their settings.

Archaeology

33. The County Archaeological unit has advised that there is high potential for the discovery of below ground heritage assets at the site. I am satisfied that any below ground heritage assets are capable of being dealt with by an appropriate condition, should the appeal be allowed.

Flood risk, ecology and biodiversity and contaminated land

34. I note from the officer's report that it was considered that the submitted Flood Risk Assessment, Ecological Report and Phase 1 Contaminated Land Survey showed that, subject to conditions, the proposal would be acceptable in these regards, I have no reason to disagree.

Community Infrastructure Levy

35. The report recognises that the appeal proposal would be liable to the Community Infrastructure Levy at the appropriate stage, should planning permission be granted. I am satisfied that this can be dealt with should planning permission be granted.

Affordable Housing

36. The officer's report and the appellant's statement of case refer to the provision of affordable housing within the appeal proposal. The officer's report refers to planning permission being granted subject to the 'prior agreement of a Section 106 Planning Obligation on appropriate terms'. I have not been supplied with a completed planning obligation made under Section 106 of the Town and Country Planning Act 1990 to secure the provision of the affordable housing. I have no doubt with a commitment on both sides a satisfactory planning obligation could be concluded. I therefore need to give the probability of a satisfactory Section 106 agreement being concluded to deliver affordable housing on the appeal site appropriate weight as a benefit of the proposal, in deciding this appeal.

Overall sustainability of the proposal

37. The appellant has also argued that the proposed development constitutes sustainable development as it would achieve an environmental, social and economic objective. In particular it would provide economic support for the services currently in the village, it would meet a social objective by providing a range of family homes (including affordable housing) and an environmental objective as the site is in walking distance of local services and public transport. I need to give these factors weight in determining this appeal.

Planning Balance

38. The starting point for the consideration of a planning application is the development plan. Section 38(6) of the 2004 Planning and Compulsory Purchase Act states: 'If regard is to be had to the development plan for the purpose of any determination under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise. The council officer's report identifies a conflict between the development plan policies and the appeal proposal. In particular LP Policy H7,

CS1 and CS2 and FC2 of the CSFR. The Council has stated that these policies are out of date as they are not consistent with the Framework, being more restricted and negatively worded. The reason for refusal issued by the Council refers to Policies T10, GP1 and HC16 of the LP and FC1.1 of the CSFR as being relevant to this appeal.

39. I consider that the development proposal is in conflict with the development plan which contains policies which are relevant to the determination of this appeal, including LP Policies H7, CS1, CS2, GP1, T10 and FC2 of the CSFR. These are the policies of the development plan which are most important to the determination of this appeal.
40. The appellant has referred to two appeal decisions that have found policies of the development plan out of date. I have read these appeal decisions and note that they do find some policies of the development plan out of date. However, some of the policies which are most important to the determination of this appeal are not identified as being out of date in these appeal decisions.
41. Policy T10 recognises, amongst other things, the importance of having regard to pedestrian safety in development proposals. Paragraph 110 of the Framework states 'applications for development should give first priority to pedestrian and cycle movements both within the scheme and within neighbouring areas and create places that are safe secure and attractive which minimise the scope for conflicts between pedestrians, cyclists and vehicles...'. I regard Policy T10 as being up to date for the purposes of this appeal as it is consistent with the Framework.
42. Policy GP1 seeks, amongst other things, to ensure that proposals should maintain or enhance the character of their surroundings. The Framework at Section 12, amongst other things, encourages planning policies to ensure developments are sympathetic to the local character and history and establish or maintain a strong sense of place. The majority of issues that Policy GP1 deals with are for the reserved matters application. However, I consider the appeal proposal will have an adverse effect on the rural part of Hawes Lane by damaging its character and appearance through the introduction of additional traffic which would cause damage to the grassed areas and banks alongside the lane. I therefore consider that Policy GP1 is up to date for the purposes of this appeal as it reflects the Frameworks aim of encouraging developments that are sympathetic to local character and maintain a strong sense of place.
43. It is not in dispute that the Council has a 5-year supply of deliverable housing sites. An appeal decision submitted by the appellant dated 9 January 2020 also accepted that the Council had a 5-year supply of deliverable housing sites. Therefore, it is able to provide for its housing needs elsewhere without the need for the appeal site.
44. The policies concerning the distribution of housing within the District are out of date as they are not consistent with the Framework. However, there are policies of the development plan that are up to date as they are consistent with the Framework, and these are the policies that are some of the most important in determining this appeal. Therefore, in terms of the basket of policies against which the appeal is determined, when taken as a whole they are not out of date. This means that paragraph 11d of the Framework is not engaged. The Council is also able to demonstrate a 5-year supply of deliverable housing sites.

45. In support of the proposal the appellant has argued that it brings benefits. I have set these out at paragraph 37 of this decision, as providing economic support for the services in the village, it would provide a range of family homes and affordable housing and would be within walking distance of public transport routes. However I have found a clear conflict with up to date policies of the development plan and specific harm that would be caused to the character and appearance of Hawes Lane by the increased volume of traffic eroding the rural character of the lane and to the safety of pedestrians using the lane to access the countryside surrounding the village. Accordingly, I find that the harm arising would not be outweighed by the benefits and the proposal would conflict with LP Policies T10 and GP1.

Conclusion

46. For the reasons set out above, there are no material considerations that would lead me to take a decision otherwise than in accordance with the development plan and the appeal is therefore dismissed.

Peter Mark Sturgess

INSPECTOR

MEMBER REFERRAL TO COMMITTEE

(Completed form to be sent to Case Officer and Corporate Manager – Growth & Sustainable Planning)

Planning application reference	DC/20/04429 – Hawes Lane
Parish	Norton
Member making request	Harry Richardson
Please describe the significant policy, consistency or material considerations which make a decision on the application of more than local significance	Lack of consistency between the proposed development and the outcome of the Planning Inspectorate Appeals decision ref. APP/W3520/W/20/3245218
Please detail the clear and substantial planning reasons for requesting a referral	Specifically, the proposed development conflicts with the findings of the Appeal decision regarding character and appearance of the area (Policy GP1 of the existing Local Plan), and of highways safety (Policy T10)
Please detail the wider District and public interest in the application	Local opposition to multiple planning applications widely reported in the local media; numerous comments on the planning portal from individuals outside of the immediate Parish / Ward / District
If the application is not in your Ward please describe the very significant impacts upon your Ward which might arise from the development	N/A
Please confirm what steps you have taken to discuss a referral to committee with the case officer	Discussed over the phone on 30/10/2020 and via email.

MEMBER REFERRAL TO COMMITTEE

(Completed form to be sent to Case Officer and Corporate Manager – Growth & Sustainable Planning)

Planning application reference	DC/20/04429
Parish	Norton
Member making request	Wendy Turner
Please describe the significant policy, consistency or material considerations which make a decision on the application of more than local significance	Conflict with the local plan policies of T10 and GP1. The development conflicts with the rural character of Hawes Lane. The application is outside the settlement boundary and is considered in the countryside. This would impact on local people as well as the wider public who use this route for relaxation and exercise.
Please detail the clear and substantial planning reasons for requesting a referral	The application was refused at appeal and the same reasons cited by the inspector for the application to be refused still hold (see inspectors report APP/W3520/W/20/3245218). Hawes Lane is a narrow country lane and even with passing places is not suitable for the increased traffic. The Inspector at his decision paragraph 26 acknowledges that this land may be outside of the ownership of the Highway Authority and certainly not in the ownership of the applicant. The passing bays are correctly described as indicative as there is no surety that they can actually be delivered.
Please detail the wider District and public interest in the application	
If the application is not in your Ward please describe the very significant impacts upon your Ward which might arise from the development	
Please confirm what steps you have taken to discuss a referral to committee with the case officer	I have spoken to the planning officer who recommended that I called it to committee.