

## **Committee Report**

**Item 7B**

**Reference:** DC/21/00366

**Case Officer:** Daniel Cameron

**Ward:** Bacton.

**Ward Member/s:** Cllr Andrew Mellen.

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

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### **Description of Development**

Application for outline Planning Permission (all matters reserved) Town and Country Planning Act 1990 -  
Erection of up to 8No dwellings with garages.

### **Location**

Land South Of, Westhorpe Road, Finningham, Suffolk

**Expiry Date:** 31/03/2021

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

**Development Type:** Minor Dwellings

**Applicant:** Burgess Homes Ltd

**Agent:** Philip Cobbold

**Parish:** Finningham

**Site Area:** 0.48ha

**Density of Development:** Maximum density would be 16.6 dwellings per hectare

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

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

**Has the application been subject to Pre-Application Advice:** Yes (DC/19/04089) The development of the site was supported by Officers on the basis that the layout, design, landscaping and technical mitigation could be delivered.

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

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The application is referred to committee for the following reasons:

The application has been called to the attention of Planning Committee by Cllr Mellen for the following reasons:

1. The site is outside of the settlement boundary of Finningham and therefore falls within the countryside under the current Development Plan. The emergent Joint Local Plan still shows the site as falling outside of the settlement boundary.

2. The application was considered under the call for sites exercise which supported the drafting of the Joint Local Plan. The site was discounted due to its poor connectivity to the village.
3. Finningham has very few services and bus services have reduced. Footways exist but are limited and there are no protected cycleways within the village such that future residents would be reliant on private motor cars for transport.
4. There is a flooding issue on Westhorpe Road which has been exacerbated by nearby development. There is concern that this development would cause further issues.
5. Impact of the development on the setting of the Grade II listed Hill House.

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

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### **Summary of Policies**

NPPF - National Planning Policy Framework  
NPPG-National Planning Policy Guidance  
FC01 - Presumption In Favour Of Sustainable Development  
FC01\_1 - Mid Suffolk Approach To Delivering Sustainable Development  
CS01 - Settlement Hierarchy  
CS02 - Development in the Countryside & Countryside Villages  
CS03 - Reduce Contributions to Climate Change  
CS04 - Adapting to Climate Change  
CS05 - Mid Suffolk's Environment  
CS09 - Density and Mix  
GP01 - Design and layout of development  
HB01 - Protection of historic buildings  
HB14 - Ensuring archaeological remains are not destroyed  
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  
CL08 - Protecting wildlife habitats  
CL11 - Retaining high quality agricultural land

### **Neighbourhood Plan Status**

This application site is not within a Neighbourhood Plan Area.

No area designation has been brought forward for the village.

### **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)**

## **Finningham Parish Council**

At a Parish Council Meeting held on 9th March 2021 a majority vote opposed the above planning application for the following reasons:

1. The fact that the developer is the same one who is currently constructing the houses on the adjacent site led the Council to believe that this is a ploy to avoid providing affordable housing, as the total number in the two developments would require him to do so.
2. The vexed question of the flooding cannot be considered to be a temporary problem, caused by the current development. It has been a problem for years, admittedly exacerbated by the run-off of mud and detritus from the building site.
3. The village is already experiencing foul water problems which leads the Council to believe that the current sewerage system, which was installed many years ago, is inadequate for the current load, let alone increasing it by further development.
4. Access to the proposed site is not shown on neither the site location nor the site plan, raising the question on where is it going to be placed? The road layout at this point is dangerous due to a blind corner and a steep dip. There is a history of accidents occurring at this point.
5. The suggestion that this application meets the requirements of Sustainable Development is laughable. Anyone who knows the village will see that it does not meet any of the criteria set out under this heading. A proper survey of the village amenities will prove that this is so.
6. If the National Policy Planning Framework is followed with respect to Paragraph 11 - "the presumption in favour of sustainable development" then it is patently obvious that this application fails to meet the necessary criteria.
7. The proposal would create a number of new dwellings in a rural area outside the development boundary and would be contrary to guidance contained within the National Planning Policy Framework.
8. Finally, the Finningham Parish Council endorses the objections already raised by residents of the village.

## **Westhorpe Parish Council**

Outside Finningham Parish Boundary and Joint Local Plan; inconsistent with present guidelines. The superficial geology of the site comprises Lowestoft Formation which is a chalky till with outwash deposits of gravel, sand, silt and clay. Although there are historical boreholes to the north of the site, there is no ground investigation of the site available. If the formation at the site is clay, the low permeability will severely reduce the efficacy of the soakaway drainage mentioned in the outline planning application. Proof of the suitability of the proposed surface water drainage must be a significant consideration in the sustainable development of the site, particularly given the obvious issue with flooding of the adjacent highway from surface water run-off. Change of use from grass meadow largely absorbing rainfall to the existing development site has created serious flooding on the highway. The blocked drain needs to be resolved. Additional development will only create more surface water problems. Majority of proposed site falls towards the road with no sensible plan to alleviate this known flooding. Public footpath access across the field bordering the site is up a bank; flooding will flow in the opposite direction of walkers as a dangerous hazard. Flooding/mud problems will be long term and not associated with construction. Entrance to site is on a dangerous bend with history of road traffic accidents. February 2021 a Westhorpe resident was involved in an accident there; the horse being badly injured. Unsustainable development as other than a

bus route it is contrary to the NPPF; fails local authority criteria for use of cars/carbon emissions. No local shop, school or medical facility. This additional 8 home application on current site avoids compulsory provision of affordable housing as in bigger developments. Purchasers of existing development houses have bought believing they were buying with a view over open fields which will be taken away.

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

##### **Natural England**

Natural England has no comments to make on the application.

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

##### **Archaeological Service**

No response.

##### **Fire & Rescue**

No comments with regards to the outline application are noted.

##### **Highways**

The Highway Authority do not raise any objection to the application and note a number of conditions should the application be approved.

##### **Rights of Way Department**

No response.

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

##### **Heritage Team**

The site lies to the south of Hill House, a grade II listed building of 1 ½ storeys standing close to the roadside. The building forms part of a small group of buildings appearing on early OS sheets, the other two buildings to the east being set back from the roadside and being much altered. The maps show a smithy standing next to Hill House at the roadside. Hill House is a timber-framed building of the 1600s, with plastered walls and pantile roofs, a porch and three cat-slide dormers to the south front, and a lean-to and 1 ½ storey wing to the rear.

The listed building stands close to the road with garden behind, and countryside beyond to the north. To the south beyond the road lies farmland. In the second half of the 1900s the rural surroundings have been eroded by scattered development to the west, and by development spreading from the village along the road so that the listed building now appears part of a basically continuous line of dwellings. Despite this, undeveloped land to its north and south preserve a rural character in its setting and contribute to its significance as a modest dwelling on the edge of a rural village.

In a largely flat area, Finningham village sits on lower land by an upper tributary of the River Dove. Hill House stands at the point where the road rising out of the village towards Westhorpe reaches the flatter surrounding plateau. It also stands on the inside of a bend in the road, and because of its forward position is particularly prominent in the locality.

I note that pre-application advice was sought by the applicant but no request for pre-application advice was made to the Heritage team.

The proposal is for residential development which will inevitably transform the rural character of land that positively contributes to the setting and significance of the listed building. As the application is in outline

form, it is not possible to assess the full scale and nature of impact from buildings but given that the neighbouring site is being built out with five dwellings and the present site is only 0.02Ha larger, the impact of eight dwellings can be confidently expected to have considerable impact. The adjacent development appears to increase density in the area, and would not be appropriate directly opposite a small, listed building in a loose pattern of development at the fringe of a village.

While the character of the land would inevitably change, there are aspects of the proposed development which would be variable, depending on the number, size, scale, position, orientation and design of the buildings. If your recommendation is positive, you should consider the scope for the following matters to limit impact on the setting of the listed building:

- a green buffer along the roadside, setting the built development further in the plot (I note that the adjacent site is deeper in relation to the road, whereas instead of respecting the line of the road, the present site is drawn by extending the rear boundary of the adjacent site);
- frontage plots limited to single storey.

In my view the impact of the proposal on the setting of the listed building would be medium, and the harm to its significance would be in the range of low towards medium depending on the details.

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

No objection is found to the conclusions of the Phase 1 Land Contamination report.

### **Suffolk Wildlife Trust**

Suffolk Wildlife Trust note that they have no detailed information about protected habitats or priority species within the site. They note works to remove vegetation, if required, should be undertaken at the appropriate time of year to ensure nesting birds are not adversely affected. They note the site should deliver biodiversity net gains as required by paragraph 174 of the NPPF.

They note that hedgehogs have been sighted within the area and recommend the use of hedgehog permeable boundaries within the site and also the use of swift bricks.

### **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:

- Further development on arable land.
- Site is higher than properties on north side of Westhorpe Road. Even single storey development could have an impact.
- Access to site would be an issue, it is on a hill and a bend. There is a history of accidents on the road.
- Local issues with flooding, especially in the road from neighbouring development. Geology of site would likely add to this impact.
- Loss of light to properties on north side of Westhorpe Road.
- Impact on setting of Hill House, a listed building.
- Proposed development is contrary to the development plan.
- Proposed development is outside of settlement boundary.
- Additional strain would be placed on local services.
- Impact on ecology.
- Outlook of neighbouring properties would be changed completely.

- A footpath runs through the site.
- Overlooking of neighbouring development.
- Developer has a site of eight dwellings immediately adjacent, this application should provide affordable housing.
- Lack of detail within application.
- Other development within Finningham (allocated through the Joint Local Plan) would provide for housing need.
- Development is not responding to a proven local need.
- Developer has failed to keep neighbouring site tidy.

(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> 0051/75/OL	Residential Development.	<b>DECISION:</b> REF 18.08.1975
<b>REF:</b> 0006/89/SU	CONSTRUCTION OF LOW VOLTAGE OVERHEAD LINE.	<b>DECISION:</b> GTD 28.04.1989

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

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

- 1.1 The site is located on the southern side of Westhorpe Road, approximately equidistant between its junctions with Station Road (B1113) to the east and Shorters End to the west. The site is immediately adjacent to the current Burgess Homes development on Westhorpe Road which was approved in outline under reference DC/18/05535 and was followed by reserved matters under reference DC/19/03437.
- 1.2 The adjacent development is well underway and will deliver six dwellings. Their design mirrors the form of the development on the north side of Westhorpe Road to an extent in terms of the materials used with render, weatherboard and clay pantiles apparent. Their form is similarly influenced by the neighbouring properties although their roof line is slacker in pitch and their footprint and heights are larger. They are traditionally appointed but lack the fine appearance of their neighbours.
- 1.3 Existing residential development located to the immediate north of the site across Westhorpe Road is arranged in a largely linear fashion, although some backland development is noted, especially as the road travels east towards its junction with Station Road. Development immediately opposite the application site are traditionally appointed, polite, vernacular buildings finished in render. Of particular note is Hill House, a grade II listed property.
- 1.4 The topography of the area is notable. Running west to east along the site frontage, Westhorpe Road dips. While development on the northern side of Westhorpe Road follows this change in levels, the application site remains raised, creating a height difference between the two sides of the road.

- 1.5 At present the site is utilised as farmland and is relatively level. No hedgerows are noted within the site to its boundaries. The farmland is classified as Grade 3 agricultural land and considered by Natural England as being of good to moderate quality, but not as high quality as Grade 1 or Grade 2 land. A public right of way crosses the site close to its western boundary running roughly north to south and connects Westhorpe Road to Green Lane to the south.
- 1.6 The area is not part of the Finningham conservation area which is located on the eastern side of Station Road (B1113) and is not located within any special landscape designation. It is located within Flood Zone 1, at the lowest risk of flooding.

## **2. The Proposal**

- 2.1 The application is made in outline with all matters (appearance, layout, scale, landscaping and access) reserved for later consideration. Therefore, consideration of the application at present rests on the principle of development. The application description is clear that up to eight dwellings may be provided on the site.
- 2.2 The site plan submitted shows an area to the site frontage where no development over a single storey in height is proposed.
- 2.3 The site area is 0.48ha. Given that development is proposed for up to eight dwellings, this gives a maximum density of 16.6 dwellings per hectare.

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

- 3.1 The starting point for any planning decision is the development plan, as identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004. Determination of any application must be made in accordance with the plan unless material considerations indicate otherwise. A key material consideration regarding the principle of development is the National Planning Policy Framework (NPPF) 2019.
- 3.2 For the purposes of the application at hand, the following documents are considered to form the adopted Development Plan:
  - Mid Suffolk Core Strategy Focussed Review (2012)
  - Mid Suffolk Core Strategy (2008)
  - Mid Suffolk Local Plan (1998)
- 3.3 Mid Suffolk benefits from a five-year housing supply. As such there is no requirement for the Council to determine what weight to attach to all the relevant development plan policies in the context of the tilted balance test, whether they are policies for the supply of housing or restrictive 'counterpart' policies, such as countryside protection policies. This said, there is a need for Council to determine whether relevant development policies generally conform to the NPPF. Where they do not, they will carry less statutory weight.
- 3.4 The NPPF requires the approval of proposals that accord with an up-to-date development plan without delay, or where there are no policies, or the policies which are most important are out of date, granting permission unless the NPPF policies provide a clear reason for refusal, or adverse impacts of doing so would demonstrably outweigh the benefits. The age of policies itself does not cause them to cease to be part of the development plan or become "out of date" as identified in paragraph 213 of the NPPF. Significant weight should be given to the general public interest in having plan-led decisions even if the particular policies in a development plan may be old, and weight can be attributed to policies based on their compliance with the requirements of the NPPF.

- 3.5 Policy CS1 of the Core Strategy identifies a settlement hierarchy as to sequentially direct development, forming part of a strategy to provide for a sustainable level of growth. The Policy identifies categories of settlement within the district, with Towns representing the most preferable location for development, followed by the Key Service Centres, Primary then Secondary Villages. For the purposes of the development plan, Finningham is identified as a Countryside Village. The emergent Joint Local Plan identifies Finningham as a Hinterland Village and allocates two sites, one to the eastern edge of the village and one to the north of the village for residential development.
- 3.6 Policy CS2 of the Core Strategy flows from CS1 and restricts development in the countryside to defined categories. This list of allowable development explicitly excludes the creation of market housing such that the proposed development does not fall within any of the listed categories for development allowed within the countryside.
- 3.7 Policy H7 of the Local Plan 1998 seeks to restrict housing development in the countryside in the interests of protecting its existing character and appearance.
- 3.8 The proposal site is located in the countryside and therefore does not accord with policies CS1, CS2 and H7. That said, the location of the application site would continue the settlement pattern of the village and would be consistent with the consideration of the adjacent development site although it is noted that this was approved at a time when the Council could not demonstrate a five-year housing land supply.
- 3.9 The exceptional circumstances test at Policy CS2 applies to all land outside the settlement boundary, as does saved Policy H7. This blanket approach is not consistent with the NPPF, which favours a more balanced approach to decision-making. The NPPF does contain a not dissimilar exceptional circumstances test for development in the countryside, set out at paragraph 79, however it is only engaged where development is isolated. The definition of isolation with regards to this policy has been shown within court judgements to relate to the remoteness of a site from a settlement. Given the close proximity of the existing village of Finningham to the application site, it is not considered that the site can be considered to be isolated.
- 3.10 Having regard to the advanced age of the Mid Suffolk settlement boundaries and the absence of a balanced approach as favoured by the NPPF, the statutory weight attached to the above policies is reduced as required by paragraph 213. The fact that the site is outside the settlement boundary is therefore not a determinative factor upon which the application turns.
- 3.11 The presumption in favour of sustainable development and the need for a balanced approach to decision making are key threads to Policy FC01 and FC01\_1 of the Core Strategy and are also the most recent elements of the Mid Suffolk development plan, adopted in 2012. Policy FC01\_1 however is not considered up to date as it does not allow for the weighing of public benefits against heritage harm, a key tenet of the NPPF.
- 3.12 Therefore, it cannot be shown that the policies of the Council carry sufficient weight to be determinative to this application. Paragraph 11d) of the NPPF is relevant, it requires that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed;
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.



- 3.13 Economic Dimension – The development of the site would give rise to some employment during the construction phase of the development. Future occupiers of the site would be able to make use of the limited services and facilities within Finningham and would offer support to its vitality. Consideration of the services and connections available from the village is considered further within this report.
- 3.14 Social Dimension – The application does not propose any affordable housing. National and local planning policies do not require it. This point is detailed further within this report at Section 11. The provision of residential dwellings in a sustainable location is considered to be a benefit of the application. While the Council can demonstrate the required housing land supply, this cannot be read as a cap on development.
- 3.15 Concerns have been raised with regards to whether infrastructure within the village would be able to cope with the additional pressure created by the proposed development. Additional infrastructure requirements are a consequence of development, however, are not adverse social impacts. It is a well-established industry practice to utilise CIL contributions to ensure capacity of infrastructure is enhanced to accommodate additional demand.
- 3.16 Environmental Dimension – The site is located in the countryside in terms of planning policy, however, would have a strong functional relationship to the village being located directly adjacent to existing development and adjacent to the proposed settlement boundary shown within the emergent Joint Local Plan. It is not considered that the loss of agricultural land is significant, and the site does not provide any habitat for Protected or Priority Species that indicate that development would be adversely harmful in this regard.
- 3.17 Heritage comments note that residential development in this location will change the rural character of the land and therefore the setting of the nearby listed building. The full scale of the impact of development cannot be fully assessed at this point and would only be fully known on submission of reserved matters.
- 3.18 Attention needs to be drawn towards the provisions of the emergent Joint Local Plan. Paragraph 48 of the NPPF does allow material weight to be attributed to relevant policies in emergent plans, however, this is subject to the stage of preparation of the plan, the more advanced the preparation, the more weight can be attributed to it. Given that the Joint Local Plan is now at examination a degree of weight can be given to its policies, however, full weight cannot be given as the Inspector's comments on the plan are not yet known.
- 3.19 The emergent Joint Local Plan does not allocate this as a site for future residential development and continues to consider the site part of the countryside for the purposes of planning policy. The site was considered as part of the Council's Call of Sites exercise in support of the Joint Local Plan and referenced as SS0807. It was discounted based on its poor connectivity with the rest of the village.
- 3.20 In considering the development in light of the current Development Plan, the emergent Joint Local Plan and in the context of the neighbouring development there are economic and social benefits to the development. Environmental considerations are more nuanced, however, may not be insurmountable in any subsequent application for reserved matters. While the emergent Joint Local Plan is not supportive of the development, the fact that development on the immediately adjacent site was considered to be acceptable does require the Council to be consistent in its decision making such that it would not be reasonable to come to a different conclusion with regards to the principle of development. Therefore, it is recommended that the principle of development is accepted.

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

- 4.1 Finningham is currently a countryside village and is considered to be a hinterland village for the purposes of the emergent Joint Local Plan. The village can boast a small number of facilities including a public house and the Church of St. Bartholomew. A small local shop selling the produce of a small holding is noted at junction of Westhorpe Road and Station Road (B1113) opposite the White Horse public house.
- 4.2 A made footpath exists on the northern side of Westhorpe Road that would allow pedestrian connections to be made to the public house and local shop although it would require future occupants of the development site to cross Westhorpe Road to do so although this is the case with all current development on the southern side of Westhorpe Road. This application proposed the creation of a crossing point such that this could be more easily and safely be achieved. Access to the church and to the rest of the village would be made by crossing Stations Road (B1113), however, this would be the case for all residents of the village.
- 4.3 Bus stops within the village are located around the White Horse public house and are served by the 387 and 320 routes. Neither route is especially frequent in terms of the level of service they provide and often services later in the day only operate once a week.

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

- 5.1 Policy T10 of the Local Plan requires the Local Planning Authority to consider a number of highway matters when determining planning applications, including; the provision of safe access, the safe and free flow of traffic and pedestrian safety, safe capacity of the road network and the provision of adequate parking and turning for vehicles. Policy T10 is a general transport policy which is generally consistent with Section 9 of the NPPF on promoting sustainable transport, and therefore is afforded considerable weight.
- 5.2 Paragraph 109 of the NPPF confirms that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 5.3 In assessing the application the Highway Authority do not offer an objection and provide a list of conditions to be added to any positive determination of the application. Given that access is a reserved matter, many of the conditions suggested are not appropriate to this application. However, the requirement for the footway crossing point and the construction management plan would be necessary and would help to give certainty on both the crossing and the management of the development, especially if details of rubbish collection and water run-off into the highway were to be included which have been raised as local issues.
- 5.4 Public comments note the road to be particularly dangerous given the position of the site on a hill and on a bend. Data from crashmap.co.uk for the site shows ten incidents within the village during the last 15 years, with three being serious accidents. However, all of the incidents are located on Station Road (B1113) with the exception of one on Gislingham Road. None are located on Westhorpe Road in the vicinity of the application site.

#### **6. Design and Layout**

- 6.1 No detail as to the design and layout of the site is available save the illustrative masterplan. This would be secured as part of any subsequent Reserved Matters application and would be brought back to Development Control Committee for approval.
- 6.2 It is considered that the proposed development would likely be designed to mirror that of the neighbouring development undertaken by the same developer.

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

- 7.1 Policy CS5 of the Core Strategy seeks to protect and conserve landscape qualities taking into account the natural environment and the historical dimension of the landscape as a whole rather than concentrating solely on selected areas, protecting the District's most important components and encouraging development that is consistent with conserving its overall character. However, blanket protection for the natural or historic environment as espoused by Policy CS5 is not consistent with the Framework and is afforded limited weight.
- 7.2 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.
- 7.3 No hedgerows or trees are noted within the site such that the landscape impact only relates to the loss of the farmland affected by the application site. Further agricultural land is located further west of the site such that this would not be removed from the area completely and would continue to be expressed.
- 7.4 Regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 (Implemented 30th November 2017) provides that all "competent authorities" (public bodies) to "have regard to the Habitats Directive in the exercise of its functions." The site does not comprise habitat for any Protected or Priority Species and Suffolk Wildlife Trust have not raised any objection to the application. They note that works to clear vegetation should be done outside of the nesting season for birds and that biodiversity enhancement should make provision for hedgehogs.

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

- 8.1 No issues are raised in relation to land contamination and the site is located in Flood Zone 1, at the lowest risk of flooding.
- 8.2 Public comments in this regard note localised flooding on Westthorpe Road at the access of the neighbouring development. These issues are understood to date back a number of years and are due to water on the highway being directed towards a road gully which drains into a concrete manhole about 1m in diameter and 1m deep which is inadequate for the amount of run-off water. Responsibility for improvement of the highway drainage rests with the Highway Authority.
- 8.3 On site drainage is proposed to be dealt with by way of soakaways. It is noted that this is the method of surface water drainage employed on the neighbouring site and is an acceptable method to deal with surface water drainage under Building Regulations. Discharge of surface water onto the highway will not be permitted and the Developer has confirmed their intention to prevent this. Detail on the surface water drainage scheme would be required to be submitted with any reserved matters application such that Development Control Committee would have full access to all necessary details prior to any works commencing on site.

- 8.4 Anglian Water have not raised any comment on the application to indicate that the current sewerage system within the village is unable to cope with current levels of use. Any connection to the public sewer system would require separate consent from Anglian Water.

## **9. Heritage Issues**

- 9.1 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 a listed building, its setting or other architectural or historic features from which it draws significance. In practice, a finding of harm to the historic fabric of a listed building, its setting or any special features it possesses gives rise to a presumption against the granting of planning permission.
- 9.2 Consultation with the Heritage Team identifies a medium level of less than substantial harm to the setting of Hill House, a grade II listed building dating from the 1600s. However, it is noted that this level of harm could be reduced through submission of reserved matters, particularly if a green buffer were to be placed at the site frontage and development along the site frontage were limited in height. Given the application is made in outline, this could be addressed within any reserved matters application.
- 9.3 The Historic Environment Record shows no finds within the vicinity of the application site and investigation of the neighbouring site returned no finds. It is therefore considered unlikely that development on this site would conflict with the requirements of policy HB14.

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

- 10.1 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.
- 10.2 Objections to the site note impacts on overlooking, loss of light and privacy with regards to the proposed development, however, there is nothing in the application that suggests residential amenity cannot be adequately managed at the appropriate reserved matters stage of the development process. The outline stage of the process is not the appropriate time to be considering this matter given the absence of layout, siting and design detail within the application.

## **11. Planning Obligations and CIL**

- 11.1 With regards to affordable housing the Council's policies require that where a site has been subdivided, each section is expected to contribute towards the delivery of affordable housing that would have been required had the sites not been subdivided. Although the proposed site and neighbouring site approved under reference DC/18/05535 and DC/19/03437 would have the same developer, it has been made clear that the planning agent for the site and by the developer's solicitor, that the two sites have not been in the same ownership so that no artificial subdivision to avoid affordable housing requirements have undertaken.
- 11.2 With this in mind it is not considered that the site falls under the auspices of the Council's affordable housing policy. No artifice has been utilised in separating the site from its neighbour and no opportunity existing for both sites to come forward at the same time.

- 11.3 CIL would be forthcoming on the development, however, the total floorspace would not be known until submission of any reserved matters applications came forward. At that point it would be possible to provide detail on likely CIL.

## **12. Parish Council Comments**

- 12.1 Issues raised by the Parish Council are addressed within the relevant section of the report above.

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## **PART FOUR – CONCLUSION**

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### **13. Planning Balance and Conclusion**

- 13.1 The application site located outside of the settlement boundary of Finningham and would continue to be located outside of the settlement boundary of the village if considered under the provisions of the Joint Local Plan. The site falls within the countryside as per the provisions of Core Strategy policy CS1. As such policy CS2 is applicable. This policy restricts the development of market housing in countryside locations as does Local Plan policy H07. The application is not held to comply with the adopted Development Plan.
- 13.2 However, the policies most important for determining the application; CS1, CS2, H7 and FC1.1, are out of date when compared to the provisions of the NPPF. The weight to be attributed to them is therefore reduced in accordance with the direction of paragraph 213 of the NPPF. Irrespective of Council's five-year housing supply position, the default 'tilted balance' position identified in paragraph 11(d) of the NPPF is engaged.
- 13.3 It is also acknowledged that the site is not part of the proposed site allocations of the emerging Joint Local Plan. This however should not preclude consideration of schemes that can deliver sustainable development and boost housing supply in the short term. While it is noted that the Council can demonstrate a five-year housing land supply, this cannot be read as a cap on sustainable development.
- 13.4 Development on the adjacent site was considered to be sustainable as recently as 2018/19. It would not be reasonable for the Council to take an alternative towards this site in this regard as it would be inconsistent with previous decisions. Access to services and facilities within the village from this site would be the largely the same as the access that would be enjoyed at the sites allocated within the Joint Local Plan.
- 13.5 Some social and economic benefits can be attributed to the development and while some environmental concerns are raised, these could be addressed through the application for reserved matters. Impacts on the setting of Hill House and on residential amenity can be similarly addressed. Indeed, given that this future application would need to return to Development Control Committee for approval, full control would be held over these aspects of the development such that members could have certainty in this regard.
- 13.6 The Highway Authority consider that a safe access can be provided to the site and biodiversity enhancement can also be secured. Similar consideration is given to the issue of surface water drainage and existing issues with highways drainage are not within the gift of the developer to address.

- 13.7 The minor adverse impacts resulting from the development would not significantly and demonstrably outweigh the identified benefits and the fact that Development Control Committee would have full control over the approval of reserved matters. In accordance with paragraph 11(d) of the NPPF, in this situation the default position is to grant planning permission.

### **RECOMMENDATION**

That authority be delegated to the Chief Planning Officer to grant outline planning permission for the erection of up to eight dwellings.

### **Subject to conditions as summarised below and those as may be deemed necessary by the Chief Planning Officer:**

- Time limit (Submission of reserved matters within three years and commencement on site within two years from the agreement of reserved matters)
- Reserved matters application to include detail on appearance, layout, scale, landscaping and means of access.
- Mix of dwellings to be provided to be detailed and agreed.
- Requirement that reserved matters be made in accordance with the site plan submitted with this application.
- Construction method statement to secure detail of site operation (including detail on delivery management and routing, on site parking, road cleaning and method to prevent surface water entering the highway).
- Details of sustainability and energy efficiency for construction and for occupation, including details of electric vehicle charging points, integration of renewable energy sources, etc) with reserved matters.
- Landscape management plan.
- Biodiversity enhancement strategy and method statement (including provision of hedgehog friendly planting and use of swift bricks, etc).
- Details of access, internal road layout, means to prevent discharge of surface water into the highway.
- Details of surface water drainage.
- Details of foul water drainage scheme.
- Details on how public right of way to be dealt with during development.

### **And the following informative notes as summarised and those as may be deemed necessary:**

- Pro-active working statement.
- Land contamination statement.