

Committee Report

Item 8A

Reference: DC/21/01747

Case Officer: Alex Scott

Ward: Needham Market.

Ward Member/s: Cllr Stephen Phillips. Cllr Mike Norris.

RECOMMENDATION – REFUSE PLANNING PERMISSION

Description of Development

Planning Application - Erection of 18 No dwellings and creation of new vehicular access and parking (following demolition of existing buildings).

Location

J Breheny Contractors Ltd, Flordon Road, Creeting St Mary, Ipswich Suffolk IP6 8NH

Expiry Date: 22/06/2021

Application Type: FUL - Full Planning Application

Development Type: Major Small Scale - Dwellings

Applicant: J Breheny Contractors Ltd

Agent: Mr P Branton

Parish: Creeting St Mary

Site Area: 0.48 hectares

Density of Development:

Gross Density (Total Site): 37.5 dph

Net Density (Developed Site, excluding open space and SuDs): 37.5 dph

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

Permission 4188/15 was granted in April 2016. This was a hybrid application for:

a)) Outline planning permission for 52 dwellings, including access and associated works (matters to be reserved: layout, scale, appearance and landscaping). (Land adjacent to this current application).

b)) Full planning permission for a new training facility, workshop and parking area. (Land relating to this current application).

Reserved matters, relating to adjacent land, and the proposal referred to at a)), were then approved in August 2019 (Ref: DC/18/05612).

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

Has the application been subject to Pre-Application Advice: Yes - Ref: DC/19/04555 - Advice given in November 2019. Members will please note that the advice given at this time related to 13 no. dwellings and the current application is for 18 no. dwellings, 5 no. more than the applicant proposed at pre-application stage.

PART ONE – REASON FOR REFERENCE TO COMMITTEE

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

It is a “Major” application for:

- a residential development for 15 or more dwellings.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

NPPF - National Planning Policy Framework
FC01 - Presumption In Favour Of Sustainable Development
FC01_1 - Mid Suffolk Approach To Delivering Sustainable Development
FC02 - Provision And Distribution Of Housing
CS01 - Settlement Hierarchy
CS02 - Development in the Countryside & Countryside Villages
CS03 - Reduce Contributions to Climate Change
CS04 - Adapting to Climate Change
CS05 - Mid Suffolk's Environment
CS06 - Services and Infrastructure
CS09 - Density and Mix
GP01 - Design and layout of development
H04- Proportion of Affordable Housing
H07 - Restricting housing development unrelated to needs of countryside
H13 - Design and layout of housing development
H14 - A range of house types to meet different accommodation needs
H15 - Development to reflect local characteristics
H16 - Protecting existing residential amenity
H17 - Keeping residential development away from pollution
T09 - Parking Standards
T10 - Highway Considerations in Development
RT04 - Amenity open space and play areas within residential development
RT12 - Footpaths and Bridleways
CL08 - Protecting wildlife habitats

Neighbourhood Plan Status

This application site is not within a Neighbourhood Plan Area.

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)

Creeting St Mary Parish Council - 09/04/2021:

Objection : Overdevelopment; Overwhelming of already insufficient infrastructure; Unsuitable Access and Narrow Road; Proposed Footpath unacceptable and crosses private land; Two newly built properties not shown on plans submitted; Existing Sewerage System is inadequate; Proposed on-site parking inadequate and would result in on-street parking impeding pedestrians and emergency vehicles.

National Consultee (Appendix 4)

Natural England - 31/03/2021:

Natural England has no comments to make on this application.

Anglian Water - 14/04/2021:

The foul drainage from this development is in the catchment of Needham Market Water Recycling Centre that will have available capacity for these flows.

East Suffolk Internal Drainage Board - 19/04/2021:

Initial testing shows that a drainage strategy reliant on infiltration is likely to be achievable on the proposed development - If for any reason a strategy wholly reliant on infiltration does not prove viable, and a surface water discharge is proposed to a watercourse within the watershed catchment of the Board's IDD, then this should be in line with current standards (links provided) - Recommend that the discharge from this site is attenuated to the Greenfield Runoff Rates wherever possible.

County Council Responses (Appendix 5)

SCC - Highways - 14/04/2021 & 15/04/2021:

Holding objection - following points need to be addressed: The layout of parking means long lengths of dropped kerbing and high quantity of vehicles will need to reverse. especially at the turning head which is not acceptable; The forward visibility for both private accesses and bends need to be considered to ensure no obstructions so there is no planting of trees or hedging; There is a PROW bridleway near the site and SCC-Highways recommend the applicant investigates if this could be used as part of any improvements for the vulnerable user.

SCC - Lead Local Flood Authority - 29/03/2021:

Holding objection at this time - A holding objection is necessary because the surface water management strategy is reliant on the drainage designed for Phase 1 of the development, however insufficient information has been submitted to confirm that this system has capacity for surface water runoff from Phase 2.

SCC - Archaeology - 01/04/2021:

No objection - No significant impact on known archaeological sites or areas with archaeological potential
- No archaeological mitigation required.

SCC - Travel Plan Officer - 26/03/2021:

On reviewing the documents submitted: No comment to make.

SCC - Fire and Rescue - 27/03/2021:

Recommend that fire hydrants be installed within this development, however, it is not possible, at this time, to determine the number of fire hydrants required. The requirement will be determined at the water planning stage when site plans have been submitted by the water companies. Also recommend that consideration be given to the benefits derived from the provision of an automatic fire sprinkler system.

SCC - Development Contributions Manager - 01/04/2021 & 08/04/2021:

Summary of future CIL bid and S106 contributions provided, should planning permission be granted and the development be implemented.

Internal Consultee Responses (Appendix 6)

MSDC - Ecology Consultants - 15/04/2021:

No objection subject to securing ecological mitigation and enhancement measures.

MSDC - Environmental Protection - Land Contamination Issues – 24/05/2021:

Holding Objection - Concur with the comments of the Environment Agency and SCC regarding contamination and surface water drainage at the site. The previous application for the site was deficient in terms of its risk assessment and the developer had actively engaged in the process of achieving an adequate risk assessment based on advice from the Environment Agency. However, the additional risk assessments from the previous application have not been included in this new application and as such, based on the merits of the documents submitted, we concur that we must raise a holding objection until these issues are resolved. I would recommend that the applicant actively engages with the EA, SCC and ourselves to seek an early resolution to these issues.

MSDC - Environmental Protection - Air Quality Issues - 21/04/2021:

The scale of development, at 18 dwellings, is not likely to be of a scale of that would compromise the existing good air quality at, and around the development site.

MSDC - Environmental Protection - Noise/Odour/Light/Smoke Issues - 19/04/2021:

No objection - Subject to following conditions: Scheme of sound insulation for proposed residential development; Construction Management Plan; No burning on site during clearance and construction phases.

MSDC - Environmental Protection - Sustainability Issues - 14/04/2021:

Can find no mention of the issue of Sustainability or Climate Change anywhere in the documents. This is such an important topic area and some consideration of it is expected that I must recommend refusal of the application - Condition suggested should members be minded to approve.

MSDC - Public Realm - 09/04/2021:

Object : Inadequate provision of play equipment facilities and public open space within the development - Open space on adjacent site is not sufficient and in a less than ideal location (furthest away from this proposed development) - Increased usable open space is required – This is an isolated development and does not have safe walking routes to other open spaces within the village settlement.

MSDC - Waste Services - 15/04/2021:

No objection - Subject to conditions.

MSDC - Strategic Housing - 10/05/2021:

The policy position for a development of 18 dwellings would be 6.3 affordable homes. Across 70 dwellings (including the first phase of development, for 52 dwellings) proposed by application ref: DC/21/01800, it would be 24.5. The proposal is for the policy requirement to be met across the development as a whole. If this new application is to be permitted, policy compliance should be sought with an acceptable tenure mix and joined up approach across the site as a whole (across both phases of development, for 70 dwellings in total).

The applicant is proposing that an extended site of 70 dwellings would provide 24 affordable units, which is 35% rounded down from 24.5. Furthermore, the affordable units would be moved from 'Phase 1'(DC/21/01800) to 'Phase 2'(DC/21/01747). If these applications are approved, it needs to be ensured that a coordinated approach is taken in order to treat Phase 1 and Phase 2 as one site.

The changes proposed would result a significant increase in the number and proportion of 1-bed flats, with ten in total, in two blocks of 6 and 4 respectively, circa 50m apart. Given the overall size of the site, this is not the most appropriate distribution.

The proposed distribution is not supported, with all 24 (affordable housing) units in one corner of the site. The increase in site size and number of units provides an increased opportunity to pepper-pot affordable housing throughout the development, whereas the distribution shown places all the affordable homes between the existing employment use and the A14.

The changes proposed would also result in a significant decrease in the proportion of affordable units coming forward as 2-bed houses. It is also notable that none of the units (market or affordable) are proposed as bungalows. An alternative affordable housing mix is proposed.

Given that 35% of 70 does not equate to a whole number, the residual 50% of an affordable unit need should be provided via a commuted sum.

The applicant needs to specify the gross internal floor areas for the units, along with the number of persons they are intended to accommodate, in order that they can be assessed for consistency with the Nationally Described Space Standards.

The open market element could do more to address the growing demand for smaller homes for sale, both for younger people who may be newly forming households, but also for older people who are already in the property-owning market and require appropriate housing enabling them to downsize.

B: Representations

At the time of writing this report at least 7 no. letters/emails/online comments have been received. It is the officer opinion that this represents 7 no. objections, 0 support and 0 general comment. A verbal update shall be provided as necessary.

Views are summarised below:-

- Flordon Road is already dangerous for pedestrians and vehicles alike;
- There are too many lorries on Flordon Road for its narrow width, which are unable to pass in certain places;
- The proposal will further increase the number of vehicles on an already busy, narrow lane which has regular large lorry movements;
- Plans to enable pedestrians to walk to services and facilities in Needham Market (nearly 2 miles away), and to Creeting St Mary School (which is oversubscribed), are unrealistic, would necessitate using steep private land for a footpath;
- The footpath would necessitate use of private land - ownership issues should be resolved before construction begins and if the footpath cannot be provided than the development should not go ahead;
- The footpath proposed is not wide enough to walk safely with children, given that it is on a blind bend with many lorry movements;
- In addition to the 52 houses already granted there has been another approval for 46 house at Jack's Green - Existing infrastructure, particularly, the narrow country roads, cannot cope with all this development;
- The proposal would result in overdevelopment of the site;
- Existing services and facilities are oversubscribed or lacking;
- There is an existing issue of overflowing sewers in the area and the proposed development will only make the problem worse;
- The water supply to Creeting St Mary has been overstretched following new housing in the upper village. The increase in mains pressure has resulted in burst main pipes and strain on domestic and business water infrastructure;
- Proposal could result in additional local air problems for the area;
- Insufficient public open space is proposed on the wider site - Existing S106, for 52 houses states that a minimum of 0.16ha of open space should be provided - Following the same calculations 0.215ha of open space should be provided for the 70 dwellings now proposed;
- Concern that some may try to walk to Needham Lakes down the narrow lane, which would be detrimental to pedestrian and highway safety;
- Consider the proposal does not demonstrate significant benefit to the environment or residential amenity, access to open/green space, or biodiversity enhancement above those already agreed - contrary, therefore, to planning policy;

- Were under the impression that Breheny were building a workshop for training purposes on this site - If it is now to be for houses then job opportunities will be lost for young people.

(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

REF: DC/21/01800	Section 73 for Variation of Conditions for 4188/15 and DC/18/05612 - 52 dwellings including access and associated works.	DECISION: Pending (Associated application to this proposal)
REF: DC/18/05612	Submission of details under Application 4188/15 relating to Appearance, Landscaping, Layout and Scale for hybrid application of 52 dwellings and new training facility, workshop and parking area (housing only).	DECISION: GTD 08.08.2019
REF: 4188/15	Hybrid application comprising of: a) Outline Application for 52 dwellings including access and associated works (matters to be reserved layout, scale, appearance and landscaping); b) Full planning application for a proposed new training facility, workshop and parking area.	DECISION: GTD 06.04.2016
REF: 2576/06	Extension to the existing building to form new offices (To replace temporary portacabin type structures currently used on site).	DECISION: GTD 03.01.2007
REF: 0347/98/	Retention of 3 no. Lamp Standards.	DECISION: GTD 12.03.1999
REF: 0202/96/	Erection of one and two storey extensions to existing offices.	DECISION: GTD 28.05.1996
REF: 0032/88	Erection of office block to serve engineering contractors depot - revision to scheme permitted under 827/87	DECISION: GTD 22.02.1988
REF: 0827/87	Erection of a two storey office building with recladding of existing buildings on site	DECISION: GTD 07.10.1987
REF: 0655/87	Temporary office accommodation for a period of 2 years (pending approval and construction of purpose built offices),	DECISION: GTD 10.09.1987
REF: 1123/86	Use of former sand and gravel workings as	DECISION: GTD

	civil engineering contractors depot, with use of building for storage and vehicle and plant maintenance with earth mounding along site frontage.	20.03.1987
REF: 0097/85/OL	Erection of 12 dwellings and garages, with layout of access road and drive, with alteration to existing vehicular access	DECISION: REF 08.08.1985
REF: 1004/84	Use of former sand store and associated building as printing works with ancillary offices and storage	DECISION: GTD 18.02.1985
REF: 0060/84/OL	Residential development (erection of 12 dwellings and garages, with layout of access road and drive, and alteration to existing vehicular access)	DECISION: REF 18.06.1984
REF: 0076/83/OL	Erection of a grain storage building with weighbridge, storage bins, grain drier and associated mechanical handling equipment. Use of existing quarry buildings as grain store	DECISION: REF 18.07.1983
REF: 0017/83/OL	Erection of a garden storage building with weighbridge storage bins, grain drier and associated mechanical handling equipment. Use of existing quarry building as drain store	DECISION: REF 14.04.1983
REF: 0294/82	Site and restoration to agricultural use.	DECISION: REF 04.08.1982

PART THREE – ASSESSMENT OF APPLICATION

1. The Site and Surroundings

- 1.1. The application site relates to part of a site occupied by J Breheny Contractors Ltd. The site is in the Parish of Creeting St Mary, situated approximately 800 metres to the northeast of Needham Market.
- 1.2. The current application site relates to a wider site, covering an area of 3.5 hectares, sited to the north-east of Flordon Road. Flordon Road leads southwards on to the B1078, with access to the A14 approximately 2.4 kilometres (1.5 miles) to the south-east.
- 1.3. The current application site measures 0.48 hectares in area and relates to approximately 15 per cent of the area of a wider site, proposed for housing development. The majority of the wider site lies adjacent to the north-east of the current application site and has existing planning permission for 52 dwellings (Ref: 4188/15 and DC/18/05612).

- 1.4. There is an existing vehicular access off Flordon Road serving the premises. To the south of the site lies a car parking area in front of an office block which is the headquarters for the business. To the rear (east) of this office building are a number of portacabins and hard standing. The area to the north of the access is a large area of hardstanding with buildings used as a depot for the machinery and equipment used in the operation of J Breheny.
- 1.5. To the north and south of the site are several residential properties. Further to the east is the A14, with an intervening earth bund. To the west is land associated with Alder Carr Farm. This part of Flordon Road has a 30 mph speed limit.
- 1.6. To the northern site boundary is Sandy Lane Bridle Path that links Creting Hills to Needham Market. Beyond this footpath is a two storey house with a goods yard located to the rear of the property.
- 1.7. A Grade II Listed Building, at Oak Hill Cottage, lies approximately 60 metres to the north-west of the site, on the opposite side of Flordon Road.
- 1.8. For planning purposes the site lies outside of any settlement boundary as defined by the current Mid Suffolk Development Plan, and as such is regarded as countryside.

2. The Proposal

- 2.1. The application seeks full planning permission for the erection of 18 no. new dwellings on the site, as part of a wider housing development of 70 no. dwellings, including adjacent land to the north-west.
- 2.2. This application, for 18 no. dwellings is referred to by the applicant as Phase 2 of the overall development of 70 no. dwellings on the wider site.
- 2.3. In April 2016, permission ref: 4188/15 (a Hybrid Planning Application) granted full planning permission for the erection of a new training facility, workshop and parking area, on the site of this current application, and also granted outline planning permission for the erection of 52 dwellings on the adjacent land. Reserved matters for the 52 dwellings was later granted in August 2019.
- 2.4. The current application, therefore, proposes 18 no. additional dwellings, in lieu of the training facility, workshop and parking area previously approved, bringing the total number of dwellings, across both phases of development to 70 no.
- 2.5. The current application is for 18 no. dwellings, 14 no. of which are proposed as affordable dwellings. A separate application to vary the adjacent Phase 1 development for 52 dwellings (Ref: DC/21/01800) has been submitted in tandem with this current application. Part of the overall proposal is to move 8 no. of the affordable dwellings, currently approved on the adjacent site (Phase 1) to the current site, leaving only 10 no. affordable dwellings as part of Phase 1. The total amount of affordable dwellings proposed, across both phases of the development of 70 no. dwellings would be as 35% (24 no.).
- 2.6. The proposed dwelling types are broken down as follows:

Market Dwellings

Three Bedroom, 2.5 Storey, Terraced Dwellings	= 4 no.
TOTAL	= 4 no.

Affordable Dwellings

One Bedroom Ground Floor Flats	= 3 no.
One Bedroom First Floor Flats	= 3 no.
Two Bedroom, Two-Storey, Terraced Dwellings	= 4 no.
Three Bedroom, Two-Storey, Terraced Dwellings	= 2 no.
Three Bedroom, Two-Storey, Semi-detached	= 2 no.
TOTAL	= 14 no.

- 2.7. The proposed net density of housing development would be 37.5 dwellings per hectare, with back to back distances within the development of no less than 23 metres.
- 2.8. The proposed dwellings would be provided in the form of 5 no. buildings:
- 2 no. two-storey terraces of three dwellings;
 - 1 no. 2.5 storey terrace of five dwellings (including 1 no. dwelling from the Phase 1)
 - 1 no. pair of two-storey semi-detached dwellings;
 - 1 no. two-storey block of 6 no. flats
- 2.9. Proposed external facing material would be a mix of facing red brick, buff brick, and grey shiplap cladding details. Roofing materials would be a mix of red and black pantiles. All windows would be light grey in colour.

3. The Principle of Development

- 3.1. The starting point for determination of any planning application is the development plan, as identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004. Determination of 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).
- 3.2. The proposal site is outside of the settlement boundaries for both Creting St Mary and Needham Market. The site is considered to relate to previously developed land. Relevant local plan policies are policy H7 which seeks to restrict housing development unrelated to the needs of the countryside, and core strategy policy CS1 which identifies a settlement hierarchy and CS2 which also seeks to resist development in the countryside other than those listed in the policy. The NPPF has changed direction since these policies were adopted as detailed further below, so as to affect the weight of these policies in determining this application.
- 3.3. The Core Strategy Focused Review (2012) identified this change in line with the National Planning Policy Framework. Reflecting this policies FC1 - Presumption in favour of sustainable development and FC1.1 - Mid Suffolk approach to delivering sustainable development identify a more positive approach to proposed development.
- 3.4. It should be noted that policy FC2 of Core Strategy Focused Review (2012) (Provision and distribution of housing) does not seek to allocate any dwellings (on Previously Development Land or Green Field Land) at Secondary Village settlements such as Creting St Mary, within the plan period (2012 to 2027).
- 3.5. The NPPF identifies in paragraph 213 that the weight attributed to policies should be according to their degree of consistency with the NPPF. The closer the aims of the policy are to the NPPF the greater the weight that can be attributed to them.

- 3.6. The NPPF also identifies that planning decisions should apply the presumption in favour of sustainable development (paragraph 11): “For decision-taking this means: c) approving development proposals that accord with an up-to-date development plan without delay; or d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”
- 3.7. Footnote 7 of the NPPF identifies out-of-date includes the situation where the local planning authority cannot demonstrate a five year supply of deliverable housing sites or where the Housing Delivery Test indicates that the delivery of housing was less than 75% of the housing requirement over the previous three years. In this instance it is considered that the Council is able to demonstrate a five year housing land supply, as set out in the Council’s Housing Land Supply Position Statement, and Joint Annual Monitoring Report, both published in October 2020.
- 3.8. Notwithstanding the Council’s current housing land supply position, the development plan policies most important for determining the application (policies: H7, CS1, CS2 and FC2) are considered to be out-of-date as a result of not being consistent with the aims of the NPPF and, therefore, are accorded significantly less weight than they would have been prior to the publication of the NPPF. This position was identified in the appeal decision for appeal APP/W3520/W/18/3194926 at land at east side of Green Road, Woolpit (September 2018) which is a material consideration. Policy FC1 of the Core Strategy Focused Review repeated the requirements of the former paragraph 14 of the NPPF (2012), which is replaced now with paragraph 11 (NPPF 2019) which is the more relevant consideration, and so this policy is given less weight. Policy FC1.1 seeking to conserve and enhance the local character of different parts of the district, is up-to-date and relevant to this application. These two policies seek to promote the principles of sustainable development.
- 3.9. It cannot be ignored that the policies most important for determining the application do not accord with the NPPF. Therefore less weight will still be given to these policies as identified above. Whilst tension with the development plan exists and is noted, that tension is considered to be less significant as a consequence, in light of the lesser weight afforded to the most important development plan policies relevant to this application where they are not consistent with the NPPF.
- 3.10. Therefore an assessment against the development plan is made, considering the material consideration of the NPPF and the purpose of the planning system to contribute to the achievement of sustainable development.
- 3.11. The development plan and NPPF share the same approach of contributing to the achievement of sustainable development.
- 3.12. There are three overarching objectives to achieve sustainable development, which are interdependent and need to be pursued as a whole so that opportunities can be taken to secure net gains across different objectives. These objectives are social, environmental and economic. The merits of the scheme against these objectives and the up-to-date requirements of the development plan are considered below, and a conclusion will be drawn as to whether the development is considered to contribute to the achievement of sustainable development.
- 3.13. In addition to the NPPF sustainability balancing exercise referred to above, the proposed development is considered to lie within the pattern of residential development fronting this side of

Flordon Road, both existing and approved (the adjacent site at Phase 1). The proposed dwelling is not, therefore, considered to be isolated, as per the meaning in paragraph 79 of the NPPF.

4. Nearby Services and Connections Assessment of Proposal

- 4.1. The site is located outside any settlement boundary defined in the development plan and it cannot be ignored that the site lies a significant distance from services and facilities in the nearest higher order settlement, Needham Market.
- 4.2. With regard to housing in rural areas, the NPPF states that policies and decisions should avoid the development of isolated homes in the countryside, unless particular circumstances apply, which is not the case here (paragraph 79). As such, the NPPF does not preclude any development of the type proposed here outside settlement limits.
- 4.3. There are some 8 no. existing dwellings, as well as employment uses, within the immediate vicinity of the site, fronting Flordon Road, and the built up area of the village of Creting St Mary lies some 160 metres to the north-west of the site. Needham Market Town Centre also lies in relatively close proximity, some 800 metres to the south-west of the site. Needham Market is well served by services and facilities, including regular bus and rail services to nearby higher order settlements. It is however acknowledged that the distance and road conditions are not particularly favourable for walking or cycling to Needham Market Town Centre.
- 4.4. Given the existing dwellings and commercial uses surrounding the proposal site and its relative proximity to the good range of services and facilities in Needham Market, it cannot reasonably be said to be an isolated location in the terms of the NPPF. While the Framework stresses the importance of provision of sustainable transport modes and travel choice, it also recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in decision-making (paragraph 103).
- 4.5. It is to be expected, therefore, that some travel by private vehicle is likely in rural areas such as this. However, in this case there is also some opportunity to use public transport given the available train and bus services that are not so distant from the application site to be inaccessible. Moreover, Needham Market is not so distant that long car journeys would occur to gain access to services necessary for day-to-day living.
- 4.6. Therefore, taking these findings as a whole, it is concluded that the location would not be unsuitable for the proposed additional phase of development with regard to whether occupants of the proposed additional dwellings would have adequate access to services and facilities without undue reliance on private vehicle use. Consequently, it is not considered that there is conflict with Policies FC1, FC1.1 or FC2 of the development plan, concerning sustainable development and the distribution of housing; or with relevant guidance in the NPPF, as described above.

5. Site Access, Parking and Highway Safety Considerations

- 5.1. The point of access and off-site highways works have previously been considered and agreed as part of the adjacent Phase 1 part of the development, for 52 dwellings. No objection is, therefore raised with regards the suitability of the proposed access.
- 5.2. The application proposes 39 allocated parking spaces within the development, equating to 2.1 spaces per proposed dwelling. Parking provision is considered to meet the minimum requirement for parking places as shown in the Suffolk Parking for Guidance 2015.

- 5.3. SCC Highways have been consulted on the application proposal and have advised the following:
- The layout of parking means long lengths of dropped kerbing and high quantity of vehicles will need to reverse into the estate roads - especially at the proposed turning head - which is not acceptable;
 - The forward visibility for both private accesses and bends in the proposed estate roads needs to be considered to ensure no obstructions, including planting of trees or hedging;
 - The applicant should investigate if the Public Right of Way (PROW) near the site could be used as part of any improvements for cycling.
- 5.4. Although no objection is raised with regards the suitability of the proposed access to Flordon Road, the current proposal is not considered to provide sufficient space within the site to enable vehicles to turn and manoeuvre within the proposed estate road safely. The proposed layout is also not considered to provide adequate forward visibility of vehicles using the proposed estate road. For these reasons, therefore, the current proposal is not considered acceptable in terms of highway safety.
- 5.5. Furthermore, the proposal is required to demonstrate suitable access to services and facilities via a range of sustainable transport modes. The current proposal is considered deficient in terms of demonstrating this with regards the vulnerable user.

6. Design and Layout [Impact on Street Scene]

- 6.1. The proposed density of development on the current proposal site is 37.5 dwellings per hectare (dph). This is then denser than 30 dph, as stated in development plan policy CS9, for such locations. The proposed density of development is also far greater than the adjacent Phase 1 development, which is 17.33 dph, and the nearby settlement of St. Marys Gardens, Creting St Mary, which is 11.85 dph.
- 6.2. The proposed development, would, therefore, result in an overly dense and urbanising character of development, inconsistent and inappropriate with the pattern and form of development in the neighbouring area, which would neither maintain or enhance the character and appearance of the sites surroundings.
- 6.3. Whilst no specific objection is raised with regards the design of the proposed dwellings themselves, the density of development proposed is considered to be contrary to development policies CS9, GP1, H13 and H15, for the above reasons.

7. Public Open Space

- 7.1. Development Plan Policies CS6 and RT4 state that new development will be expected to provide or support the delivery of appropriate and accessible infrastructure to meet the justifiable needs of the development. The policy states that local priorities for which infrastructure contributions may be sought include: open space provision and improvement to pedestrian and cycle routes.
- 7.2. Further to the development plan policies NPPF paragraph 8 provides (inter alia) that such developments should provide open spaces that reflect current and future needs and support communities' health, social and cultural well-being. NPPF paragraph 96 also states that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities.
- 7.3. The Council's Public Realm Team has been consulted on the application proposal and have raised objection with regards the inadequate provision of play equipment facilities and public open

space within the development. Public Realm Officers consider that open space on the adjacent site (Phase 1 of the development) is not sufficient and in a less than ideal location (at a point on the development which is the furthest distance away from the phase of development hereby approved). Your Public Realm Officers advise that Increased usable open space is required on or adjacent to the site, and that this is an isolated development that does not have safe walking routes to other open spaces within Creeping St Mary or Needham Market.

- 7.4. The proposed development is not, therefore, considered to propose adequate access to sufficient public open space and play equipment, to the detriment of the health, amenity and wellbeing of future occupants.

8. Land Contamination

- 8.1. Paragraph 178 of the NPPF provides that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land contamination. Paragraph 180 states that decisions should also ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment.
- 8.2. Environmental Protection have been consulted on the application proposal and have advised that the previous application for the site was deficient in terms of its contaminated land risk assessment and the developer had actively engaged in the process of achieving an adequate risk assessment based on advice from the Environment Agency. However, your Environmental Protection Officers advise that the additional risk assessments from the previous application have not been included in this new application and as such, based on the merits of the documents submitted, a holding objection is raised until these issues are resolved. Your Environmental Protection Officers recommend that the applicant actively engages with the Environment Agency, SCC and MSDC to seek an early resolution to these issues.
- 8.3. The current proposal has not, therefore, demonstrated that the site is suitable for housing, contrary to paragraphs 178 and 180 of the NPPF.

9. Flood Risk and Drainage

- 9.1. The NPPF seeks to avoid, where possible, flood risk to people and property. It advocates applying the sequential test and, if necessary, the exception test. Paragraph 163 of the NPPF states that applications should be supported by a site-specific flood-risk assessment. Paragraph 165 of the NPPF states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should, amongst other matters, take account of advice from the lead local flood authority.
- 9.2. The site lies completely within Environment Agency Flood Zone 1, therefore, no objection to the broad principle of housing development on the site is raised.
- 9.3. The Lead Local Flood Authority at SCC has considered the application proposal and has raised a holding objection, on the basis of the information currently submitted. The LLFA advise that a holding objection is necessary because the proposed surface water management strategy is reliant on the drainage designed for Phase 1 of the development (on the adjacent site), however insufficient information has been submitted to confirm that this system has capacity for surface water runoff from Phase 2 (the current proposal).

- 9.4. The application therefore does not take account of advice from the lead local flood authority, contrary to paragraph 165 of the NPPF. This NPPF conflict provides a clear reason for refusing the development proposed, in accordance with the direction provided at paragraph 11d(i) of the NPPF.

10. Ecology and Biodiversity

- 10.1. Regulation 9(5) of the Conservation of Habitats and Species Regulations 2010 (Implemented 1st April 2010) provides that all "competent authorities" (public bodies) to "have regard to the Habitats Directive in the exercise of its functions." In order for a Local Planning Authority to comply with regulation 9(5) it must "engage" with the provisions of the Habitats Directive.
- 10.2. The applicant has provided a detailed Ecology Report with the application proposal, which has been assessed by the Council's Consultant Ecologists, who have raised no objection, subject to conditions, securing Ecology Enhancement Measures, should the application be approved.
- 10.2. No objection is, therefore, raised with regards the proposal's impact on protected and priority species and their habitats.

11. Heritage Issues

- 11.1. The current proposal would lie approximately 260 metres to the south-east of the nearest listed building, at Oakhill Cottage. At such separation distance, and having considered the presence of intervening developments (particularly the adjacent development at phase 1), the current proposal is not considered to result in demonstrable harm to the setting and significance of this or any other heritage asset in the vicinity of the site.
- 11.2. SCC-Archaeology have been consulted on the current proposal and have advised that, in their opinion, there would be no significant impact on known archaeological sites or areas with archaeological potential. SCC-Archaeology, therefore, raise no objection to the current proposal and do not believe any archaeological mitigation is required.

12. Impact on Residential Amenity

- 12.1. 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.
- 12.2. The proposed development would be located in very close proximity to the A14 Trunk Road (approximately 30 meters away from the nearest property). Whilst it is noted that your Environmental Protection Officers do not raise specific objection to the proposed development, should noise insulation techniques be utilised, such close proximity to the A14 is not considered to provide future occupants with the high standard of amenity required by the NPPF, in particular within the rear gardens of the 8 no. affordable plots directly adjacent to the A14.
- 12.3. Furthermore, the rear elevations of the proposed two-storey dwellings at plots 4 to 7 on the adjacent, Phase 1, development to the west, would contain first floor windows which would directly overlook the side elevations of the rear gardens of plots T, U, W and X at close proximity, looking directly across the private external amenity areas directly to the rear of these dwellings, to the significant detriment of the private amenity of these properties. It is not considered reasonable

and practical to insist that the offending dwellings' windows are obscurely glazed and non-opening as these windows would likely be required to be openable for ventilation and means of escape in order to satisfy building regulations. Again, this aspect is not considered to secure a high standard of amenity for the future occupants of these properties, as required by the NPPF.

- 12.4. The combination of the above factors is not considered to result in a development that would provide a high standard of amenity for all future occupants of land and buildings, contrary to NPPF paragraph 127.

13. Affordable Housing

- 13.1. Your Strategic Housing Officers have assessed the application proposal and advise that the current application for 18 dwellings should be assessed in tandem with the associated application (DC/21/01800) for 52 dwellings in terms of assessment of affordable housing provision. The two proposals together propose 70 dwellings and your strategic housing officers advise that 24 affordable housing units should be provided, equating to 35% of the total 70 proposed, across both phases of development (this current application and DC/21/01800).
- 13.2. The current application proposal would comprise the majority of affordable dwellings proposed across both development phases, with 14 affordable dwellings proposed. The remaining 10 affordable dwellings are proposed as part of the adjacent associated application for 52 dwellings (DC/21/01800). Your Strategic Housing Officers advise that If these applications are to be approved, it needs to be ensured that a coordinated approach is taken in order to treat both phases and applications as one proposal, for 70 dwellings.
- 13.3. Your Strategic Housing Officers advise that the proposed affordable dwellings would result a significant provision of One Bedroom Affordable Flats, 10 no. in total, with one block of 6 flats and one block of 4 flats proposed, set 50 metres apart. Given the overall size of the site, your officers do not consider this to be the most appropriate distribution.
- 13.4. Your strategic housing and planning officers do not support the proposed distribution of affordable housing, with all 24 (affordable housing) units in one corner of the site, adjacent to the A14 Trunk Road. Your strategic housing officers advise that the increase in site size and number of units provides an increased opportunity to pepper-pot affordable housing throughout the development, whereas the distribution shown places all the affordable homes between the existing employment use and the A14.
- 13.5. The changes proposed would also result in a significant decrease in the proportion of affordable units coming forward as 2-bed houses. It is also notable that none of the units (market or affordable) are proposed as bungalows. An alternative affordable housing mix is, therefore, proposed by your strategic housing officers.
- 13.6. The proposed development would not, therefore, deliver affordable housing of an appropriate type, mix and location within the wider development proposed (across both phases). The proposed affordable housing would not, therefore, meet the current local need and would not result in achieving a mixed and balanced community, as required by NPPF paragraph 62.

14. Parish Council Comments

- 14.1. The matters raised by Creeting St Mary Parish Council have been considered in the above report, but the following issues have also been raised:
- Overwhelming of already insufficient infrastructure;

- Proposed Footpath unacceptable and crosses private land;
 - Newly built properties not shown on plans submitted;
 - Existing Sewerage System inadequate.
- 14.2. Whilst the comments received with regard the impact of the development on existing infrastructure are acknowledged, the Council's specialist consultees have not raised significant objection in relation to the specific issues identified. Should the proposed development be accepted then it is expected to deliver improvements to existing infrastructure and services by way of agreement with the relevant authorities or via monies secured by way of CIL contributions.
- 14.3. With regards the issues raised in relation to the proposed footpath and land ownership, the proposed footpath will be required to constructed on land within the ownership of the applicant or the local authorities.
- 14.4. With regards new dwellings on adjacent land not being shown on the applicants submitted plans, the case officer has visited the site and has considered the potential impacts on these and all other properties within the vicinity of the site.

PART FOUR – CONCLUSION

15. Planning Balance and Conclusion

- 15.1. The current proposal relates to an existing planning permission and is not considered to be isolated as per the meaning within the NPPF. No objection to the broad principle of the proposed development is, therefore, raised.
- 15.2. The proposed development is considered acceptable in terms of heritage and protected species impacts.
- 15.3. The proposal is considered to be overly dense and urbanising in relation to the context and character of its rural, edge of settlement surrounds.
- 15.4. The proposal is not considered to provide sufficient space within the site to enable vehicles to turn and manoeuvre within the highway safely. The proposed layout is also not considered to provide adequate forward visibility of vehicles. The current proposal is not, therefore, considered acceptable in terms of highway safety.
- 15.5. The proposed development would be located in very close proximity to the A14 Trunk Road. At such close proximity to the A14 the proposed development is considered to result in significant detriment to the amenities of future occupants in relation to noise and disturbance. Furthermore, the rear elevations of the proposed two-storey dwellings at plots 4 to 7 on the adjacent, Phase 1, development to the west, would contain first floor windows which would directly overlook the rear gardens of plots T, U, W and X at close proximity to the significant detriment of the private amenity of these properties. The proposed development is not, therefore, considered to provide a high standard of amenity for the future occupants of these properties, as required by the NPPF.
- 15.6. The proposal is not considered to provide a suitable amount of, or safe and suitable access to, public open space and play provision.

- 15.7. The application does not take account of advice given by the Lead Local Flood Authority, and as such the current proposal has not sufficiently demonstrated adequate attenuation and disposal of surface water, which may result in increased flood risk on or in the vicinity of the proposal site.
- 15.8. The application has not demonstrated the site is suitable for housing in the context of land contamination, contrary to paragraphs 178 and 180 of the NPPF. This, in addition to the adverse effects identified above, weighs significantly negatively in the planning balance.
- 15.9. The proposed development would not deliver affordable housing of an appropriate type, mix and location within the wider development proposed (across both phases). The proposed affordable housing would not, therefore, meet the current local need and would not result in achieving a mixed and balanced community, as required by NPPF paragraph 62.

RECOMMENDATION

That the application is REFUSED planning permission for the following reasons:

1. The proposed development, would result in an overly dense and urbanising character of development, inconsistent and inappropriate with the rural, edge of settlement, pattern and form of development in the neighbouring area, which would neither maintain or enhance the character and appearance of the sites surroundings. The density of development proposed is considered to be contrary to development policies CS9, GP1, H13 and H15, for the above reasons.
2. Saved Policy H13 of the Local Plan seeks to ensure new housing development protects the amenity of neighbouring residents. 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.

The proposed development would be located in very close proximity to the A14 Trunk Road. At such close proximity to the A14 the proposed development is considered to result in significant detriment to the amenities of future occupants in relation to noise and disturbance. Furthermore, proposed dwellings at plots 4 to 7, on an adjacent site, would contain first floor windows which would directly overlook the rear gardens of the dwellings proposed at plots T, U, W and X, at very close proximity. This would, therefore, result in significant detriment of the private amenity of these properties and in doing so would not secure a high standard of amenity for the future occupants of this property, as required by the aforementioned policies.

3. The proposal is not considered to provide sufficient space within the site to enable vehicles to turn and manoeuvre within the highway safely. The proposed layout is also not considered to provide adequate forward visibility of vehicles. The current proposal is not, therefore, considered acceptable in terms of highway safety, contrary to development plan policy T10 and paragraphs 108 and 109 of the NPPF.
4. The application fails to demonstrate that the site is suitable for housing in the context of land contamination and cannot demonstrate that the remediation of the entirety of the site would result in land that was considered suitable for residential uses. This runs contrary to the requirements of paragraphs 178 and 180 of the National Planning Policy Framework 2019 which seeks to avoid development on sites which may reasonably pose a health risk to its end user.

5. Paragraph 165 of the National Planning Policy Framework 2019 requires major developments to incorporate sustainable drainage systems, including taking advice from the lead local flood authority. The application fails to take account the advice from the lead local flood authority, contrary to paragraph 165 of the National Planning Policy Framework 2019.
6. The proposed development would not provide on-site public open space and play provision. It is not considered that public open space approved on adjacent land is sufficient or in a suitable location to meet the needs of future residents of the development currently proposed. Furthermore, other public open spaces in nearby settlements are significantly distant from the application site and are not considered to be accessible by suitable walking routes. The proposed development is not, therefore, considered to propose adequate access to sufficient public open space and play equipment, to the detriment of the health, amenity and wellbeing of future occupants, contrary to development plan policies CS6 and RT4, and NPPF Paragraphs 8 and 96 in this regard.
7. The proposed development would not deliver affordable housing of an appropriate type, mix and location within the wider development proposed (across both phases). The proposed affordable housing would not ,therefore, meet the current local need and would not result in achieving a mixed and balanced community, as required by Development Plan Policy H4 and NPPF paragraph 62.