

Committee Report

Item No: 7C

Reference: DC/21/03315

Case Officer: Alex Scott

Ward: Debenham.

Ward Member/s: Cllr Kathie Guthrie.

RECOMMENDATION – GRANT OUTLINE PLANNING PERMISSION WITH CONDITIONS

Description of Development

Application for Outline Planning Permission (access to be considered) - Erection of 4 No. single storey dwellings and garages.

Location

Land Between The Butts And, Little London Hill, Debenham, Suffolk

Expiry Date: 14/10/2021

Application Type: OUT - Outline Planning Application

Development Type: Minor Dwellings

Applicant: Park Properties (Anglia) Ltd

Agent: Mr Martin Price

Parish: Debenham

Site Area: 0.49 hectares

Density of Development:

Gross Density (Total Site): 8.16 dph

Net Density (Developed Site, excluding open space and SuDs): 14.28 dph

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

Outline Planning Application ref: 0030/17, for the erection of up to 25 houses on the site and adjacent land to the south, was previously considered by Committee on 13th December 2017. Members resolved to refuse planning permission for the following reasons:

“The proposed development, by reason of its location, would lead to pedestrians using Little London Hill where there is no footpath or footway available to access the rest of the village. This represents a risk in respect of highway safety and would be contrary to policy T10 of the Mid Suffolk Local Plan 1998 that gives regard to the provision of safe access to and egress from the site and the suitability of existing roads giving access to development in terms of safe and free flow of traffic and pedestrian safety. Opportunities to create a footpath or footway are not available for the entire route given ownership and other constraints. It is concluded that the benefits of the development would not out weigh the highway safety matter identified with consideration of the NPPF.”

The Council's decision was then upheld at appeal, ref: APP/W3520/W/18/3196561 (Decision made on 9th October 2018). The Inspectors Report and Decision is appended to this report.

Further to this Outline Planning Application ref: DC/18/00192, for the erection of up to 8 houses on part of the above site (land to the south of the current application site), was submitted and considered by Committee on 29th August 2018. Members this time resolved to approve planning permission. A copy of the decision notice is appended to this report.

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/20/05231 - 10th December 2020.

PART ONE – REASON FOR REFERENCE TO COMMITTEE

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

Your Officers consider the application to be of a controversial nature having regard to: the planning reasoning and substance expressed by the Parish Council and Third Parties; the site's Planning History; and the location and nature of the application.

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
HB14 - Ensuring archaeological remains are not destroyed
H07 - Restricting housing development unrelated to needs of countryside
H13 - Design and layout of housing development
H14 - A range of house types to meet different accommodation needs
H15 - Development to reflect local characteristics
H16 - Protecting existing residential amenity

H17 - Keeping residential development away from pollution
CL08 - Protecting wildlife habitats
T09 - Parking Standards
T10 - Highway Considerations in Development
Debenham Neighbourhood Plan

Neighbourhood Plan Status

This application site is within an adopted Neighbourhood Plan Area. Accordingly, the adopted Neighbourhood Plan forms part of the current development plan.

The following Neighbourhood Plan Policies are considered most relevant to the current proposal:

DEB 1 - Growth
DEB 2 - Appropriate Housing
DEB 6 - Housing Mix
DEB 7 - Residential Car Parking
DEB 8 - Traffic flows and non-residential car parking
DEB 9 - Non motorised networks
DEB 12 - Broadband
DEB 14 - Landscaping
DEB 17 - Public Realm
DEB 18 - Historic Environment
DEB 19 - Views
DEB 20 - Nature Conservation

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)

Debenham Parish Council - 23rd July 2021:

Supports the application in principle - Subject to Flood Risk and Highways issues being suitably addressed and clarification with regards the intended use of land to the north of the site - Although this application has been considered on its merit, comments made about previous planning applications for this site were noted, as they remain valid.

National Consultee (Appendix 4)

NA.

County Council Responses (Appendix 5)

SCC - Highways - 30th June 2021:

No objection - Subject to compliance with suggested estate roads and footpaths and on-site turning and parking conditions.

SCC - Archaeology - 24th June 2021:

No objection to the development and do not believe any archaeological mitigation is required - Archaeological investigation has occurred in the past and a negative evaluation was revealed.

SCC - Fire and Rescue - 14th June 2021:

The nearest fire hydrant in this location is over 190 metres from the proposed build site - therefore recommend consideration be given to provision of an automatic fire sprinkler system.

Internal Consultee Responses (Appendix 6)

MSDC - Heritage - 15th June 2021:

The Heritage Team do not intend to provide formal comments on this application - Your Heritage Officers do not consider the proposals would result in sufficient impact to warrant Heritage involvement.

MSDC - Environmental Protection - Land Contamination Issues - 23rd June 2021:

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

MSDC - Arboricultural Officer - 11th June 2021:

Young Plantation Woodland to north of the site, with appropriate management, has potential to be a significant environmental asset. As a guiding principle the development's encroachment on this woodland should be kept to the minimum possible.

***MSDC - Ecology Consultants (Place Services) - Initial Response - 1st July 2021:**

Holding objection due to insufficient ecological information on protected species (Reptiles).

*NB. : The applicant has submitted further information in response to this holding objection and the formal comments of Place Services are awaited at the time of writing. An update will be given at or prior to the committee meeting.

B: Representations

At the time of writing this report at least 4 letters/emails/online comments have been received. It is the officer opinion that this represents 4 objections, 0 support and 0 general comment. A verbal update shall be provided as necessary.

Views are summarised below:-

- Concerns with regards the additional number of vehicles using the site entrance granted for adjacent development to the south (of 8 dwellings) and the impact this will have on the highway network and highway and pedestrian safety;

- Consider weight should be given to a previous application on the site and land adjacent to the south, for 25 houses, which had a planning appeal refused on the basis of highway and pedestrian safety - Consider these issues still persist;
- Concern that woodland to the north of the site is shown to be removed - Consider this should be protected as valuable Ecology Habitat;
- Concern with regards impact on wildlife in the area;
- Consider the current proposal represents creeping development, further to the 8 dwellings approved to the south, creeping towards the 25 no. dwellings previously refused by the Planning Inspector;
- Do not consider there is a requirement or need for the extra properties proposed - Existing approved developments and those allocated in the Neighbourhood Plan are sufficient for a village of this size;
- Concern that development will add to further pressure on existing village infrastructure and services;
- Concern that this and other developments in the village will push residents away.

(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/20/01943 | Application for approval of reserved matters following grant of outline DC/18/00/00192 dated 10/12/2018 - Appearance, Layout and Landscaping for Use of land for the erection of up to 8 dwellings. Provision of open space. Formation of vehicular access to Little London Hill. Provision of pedestrian link to Derry Brook Lane. Discharge of Conditions 5, 6, 9, 11, 12, 14, 15, 16, 19, 20, 21, 22, 24, 25, 26, 27, 28 and 29. | DECISION: GTD 21.08.2020 |
| REF: DC/18/00192 | Application for Outline Planning Permission. (Access to be considered) Use of land for the erection of up to 8 dwellings. Provision of open space. Formation of vehicular access to Little London Hill. Provision of pedestrian link to Derry Brook Lane | DECISION: GTD 12.12.2018 |
| REF: 0030/17 | Use of land for the erection of up to 25 Dwellings. Formation of Vehicular Access to Little London Hill (revised proposal). | DECISION: REF 19.12.2017 |
| REF: 2910/16 | Erection of 34 dwellings with associated access road, parking and landscaping. Provision of public open space. Formation of vehicular accesses | DECISION: WDN 30.11.2016 |
| REF: 1917/14 | Prior Approval of Proposed Change of Use of Agricultural Building to a Dwellinghouse (Use Class C3) | DECISION: WDN 04.08.2014 |

PART THREE – ASSESSMENT OF APPLICATION

1. The Site and Surroundings

- 1.1. The site extends to approximately 0.49 hectares and is located at the north-west edge of Debenham, a Key Service Centre, as defined in the current development plan.
- 1.2. The site fronts Little London Hill to the east, a narrow highway with no siding pedestrian footway(s), leading out of the village to the north-west, which is speed limited to 30 mph. To the south lies land, which benefits from extant planning permission for 8 dwellings (Please see above Site History and appended decision notice). To the north lies an area of Plantation Woodland, with an existing dwelling and associated curtilage beyond. To the west lies a further group of Trees, with agricultural fields and open countryside beyond.
- 1.3. The site comprises part of a smallholding and is considered to have an existing agricultural, green-field land use. The site comprises several single-storey sheds. The site benefits from an existing vehicular access to Little London Hill.
- 1.4. The site lies outside of the settlement boundary of the village, as defined in the current development plan (although it does lie in close proximity to it) and for planning purposes, therefore, lies within the countryside.
- 1.5. Site levels fall gradually across the site from north to south, towards the River Deben (located to the southern boundary of adjacent land to the south). The site itself lies completely within Environment Agency Flood Zone 1, however Flood Zones 2 and 3 lies within close proximity to the south and south-east, which would restrict access to the Village in times of flooding.
- 1.6. The site also lies within an area of Archaeological potential and protected and priority species potential, as identified by specialist consultees.

2. The Proposal

- 2.1. The proposal seeks outline planning permission (with all matters reserved, save for Access) for the erection of 4 no. single-storey dwellings and garages on the site.
- 2.2. Whilst matters of layout are presently reserved, the indicative layout provided shows the proposed dwellings fronting a shared private access drive, with a significant amount of open space to dwelling frontages. The proposed dwellings are also shown to have generous private rear gardens, extending away from the dwellings to the north and north-west.
- 2.3. The indicative layout suggests that the proposed 4 no. dwellings would relate to the extant approval for 8 no. dwellings, on the parcel of land to the south, and would share the approved means of vehicular access to Little Lindon Hill and the approved pedestrian access to Derry Brook Lane, to the south.

3. Planning History

- 3.1. The proposal follows outline planning application ref: 0030/17, for the erection of up to 25 no. dwellings across both the current proposal site and associated land to the south, between the site and Derry Brook Lane, Debenham. Vehicular access, in relation application 0030/17, was proposed to be via Little London Hill.
- 3.2. Application ref: 0030/17 was considered by the Local Planning Authority (LPA) and was refused planning permission on 15th December 2017 for the following reasons:
- 3.3. “The proposed development by reason of its location would lead to pedestrians using Little London Hill where there is no footpath or footway available to access the rest of the village. This represents a risk in respect of highway safety and would be contrary to policy T10 of the Mid Suffolk Local Plan 1998 that gives regard to the provision of safe access to and egress from the site and the suitability of existing roads giving access to development in terms of safe and free flow of traffic and pedestrian safety. Opportunities to create a footpath or footway are not available for the entire route given ownership and other constraints. It is concluded that the benefits of the development would not outweigh the highway safety matter identified with consideration of the NPPF.”
- 3.4. An appeal was then lodged with the Planning Inspectorate (ref: APP/W3520/W/18/3196561), challenging the LPA’s decision to refuse planning application ref: 0030/17. The appeal was dismissed by the inspector on 9th October 2018.
- 3.5. The appeal inspector considered that the presence of parked cars on Little London Hill was a significant issue and that this created conflict between vehicles. The inspector also considered that, despite the proposed pedestrian access to the village centre, across Derry Brook Lane, and via Henniker Road etc., pedestrians would be likely still walk along Derry Brook Lane to gain access to the Primary School and other services and facilities. The inspector raised significant concern with regard to pedestrian safety and considered that pedestrians would be vulnerable to harm, as a result of the proposed development. Furthermore, the Inspector considered that the highway works and improvements suggested by the applicant would not, in their opinion, successfully mitigate the harm to pedestrian and highway safety identified. The inspector concluded that:
- 3.6. *“the proposed development would have a harmful effect on pedestrian and highway safety. Consequently, the proposal would be contrary to LP policy T10 and the requirements of the revised Framework.” “It would also be contrary to paragraph 109 of the revised Framework which confirms that the development should only be prevented or refused on highways grounds if their would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*
- 3.7. Following refusal and dismissal of planning application ref: 0030/17 the LPA granted Outline Planning Permission ref: DC/18/00192 for the erection of up to 8 no. dwellings on the southern parcel of land only, with vehicular access to Little London Hill and Pedestrian access to Derry Brook Lane. In reaching their conclusion, with regards to the principle issue of Highway and Pedestrian safety, the case officer at the time considered the following in their report:

- 3.8. *“A pedestrian and cycleway link is proposed to Derry Brook Lane, providing effective pedestrian and cycling connectivity to the village’s amenities. This is a key issue for the Planning Committee in refusing the previous development proposal at the site (ref: 0030/17). The proposed pedestrian/cycle link is a very deliberate design response which has been incorporated to ensure pedestrians and cyclists do not use Little London Hill to access the village, owing to the narrowness of the lane and absence of footpaths. Future occupants are much more likely to use the Derry Brook Lane connection as it links directly with a footpath network serving the village via Hitcham Road and Henniker Road. It is acknowledged that there is an absence of footpaths along Great Back Lane however this is not fatal to the application. The lane can be traversed on foot, as it clearly is by the existing population. The narrow width of the lane, like numerous country lanes, provides for a low speed environment, limiting pedestrian safety risk. Officers consider the revised design response has paid very careful attention to the previous reason for refusal and is a substantial improvement upon the previously refused development in terms of pedestrian and cyclist safety, in support of local Policy T10, underpinned by the comments expressed by the LLHA.”*
- 3.9. *“the LLHA (Local Lead Highway Authority) raises no objection to the proposed access arrangement nor the anticipated increase in traffic generated by the proposal on the local road network.” “In the absence of an objection from the LLHA a reason for refusal based on highway safety grounds cannot be sustained”.*
- 3.10. Outline planning permission DC/18/00192 (for 8 dwellings on the southern parcel of land) was granted subject to standard conditions, in particular those relating to: Highways, Drainage, and Ecology and was subject to a Unilateral Undertaking by which the developer committed to, inter alia, the set aside of sufficient land to ensure the footpath link is provided prior to occupation of 5 no. dwellings.
- 3.11. Outline planning permission DC/18/00192 was then followed by reserved matters application ref: DC/20/01943, which was granted by the LPA on 21st August 2020, with no additional conditions.
- 3.12. These previous planning proposals, refusals and permissions are considered to be material considerations in consideration of the current proposal.

4. The Principle of Development - Neighbourhood Plan

- 4.1. 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).
- 4.2. The Debenham Neighbourhood Plan was adopted on the 18th March 2019 and as such forms part of the current development plan.
- 4.3. The site is located outside of the village settlement boundary, as defined in the plan and the site does not form part of a land allocation for housing development, as defined in the plan.

- 4.4. Paragraph 4.14 of the Neighbourhood Plan states that “There is a general presumption in favour of development within the Settlement Boundary. However, in order to meet the identified housing needs, it is expected that sites will need to come forward on greenfield sites outside the boundary”. There is, therefore, an expectation that proposals for housing developments will come forward on sites outside the defined settlement boundary and the plan does not, therefore, seek to resist proposals for new housing developments outside the defined settlement boundary.
- 4.5. In addition to those dwellings proposed to be delivered through the site allocations, Neighbourhood Plan Policy DEB 1 allows for 54 no. windfall dwellings to be provided within the plan period.
- 4.6. Plan policy DEB 1 supporting text defines this windfall allowance as “small sites which unexpectedly become available. Historically these sites have consisted of small infill areas, conversions of existing buildings and previously developed sites”. The proposal site is considered to accord with this requirement as it is considered to be a small infill area, between existing residential curtilages.
- 4.7. The Neighbourhood Plan is not, therefore, considered to preclude housing development on the proposal site. Your officer’s therefore do not recommend objection to the proposed development on a point of principle when applying Neighbourhood Plan policy specifically.

5. The Principle of Development - MSDC Local Plan, Core Strategy and Cores Strategy Focused Review and NPPF

- 5.1. As stated above, the starting point for determination of any planning application is the development plan, having due regard to material considerations, including the NPPF.
- 5.2. The proposal site is outside of the settlement boundary for Debenham, as defined in the MSDC Local Plan (1998) proposals maps. The site is also not allocated for housing development in the current MSDC Local Plan, Core Strategy or Core Strategy Focused Review. Although the proposal site comprises an existing small holding and existing buildings, for planning purposes the site is formally considered to be defined as greenfield land. Relevant local plan policy H7 seeks to restrict housing development unrelated to the needs of the countryside, Core Strategy policy CS1 identifies a settlement hierarchy for the District, and Core Strategy policy CS2 seeks to resist development in the countryside other than those listed. 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.
- 5.3. The Core Strategy Focused Review (2012) identified this change in line with the NPPF. 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.
- 5.4. The starting point therefore is to note that the proposal would not accord with the development plan. It is now necessary to consider whether other material considerations support or depart from that direction (which would be to refuse planning permission in accordance with the plan).

- 5.5. The NPPF identifies in paragraph 219 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.
- 5.6. 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."
- 5.7. Footnote 8 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..
- 5.9. 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 has been identified in several planning appeal decisions in Mid Suffolk since September 2018.
- 5.10. The presumption in favour of sustainable development should apply in this instance given the above considerations, except for the provisions of paragraph 182 of the NPPF.
- 5.11. 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.
- 5.12. 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.
- 5.13. The development plan and NPPF share the same approach of contributing to the achievement of sustainable development.

- 5.14. 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.
- 5.15. In addition to the NPPF sustainability balancing exercise referred to above, the proposed development is considered to lie within the settlement pattern and character of an existing Village settlement, fronting a highway, bounded by existing domestic curtilages to the north and south, and not to intrude into open countryside. The proposed dwelling is not, therefore, considered to be isolated, as per the meaning in paragraph 80 of the NPPF.
- 5.16. In conclusion, on balance, your officers advise that the Neighbourhood Plan can be given full weight in consideration of the proposal and that, despite conflicts with the local plan, these policies are not compromised in assessing the principle of development proposed. It is advised that the main point of consideration should be an identification of harm, in assessing material planning issues, as considered below.

6. Proposed Layout

- 6.1. Whilst matters of layout are presently reserved, and may change should outline planning permission be approved, by way of a reserved matters submission, on the basis of the indicative layout information provided, your officers do not raise significant objection with regards the general layout of the 4 no. dwellings, which are indicated to be single storey in scale, fronting a characterful shared fronting driveway, with a green open frontage setting.
- 6.2. The comments raised by your arboricultural officer with regards the young plantation woodland to the north of the site are noted and as, any final layout considered will be expected to keep intrusion into this area to a minimum.
- 6.3. Indicative layout information is considered to demonstrated that the site is capable of accommodating the type and number of dwellings proposed, and providing a layout appropriate to the existing character of this part of the Village, keeping landscape intrusion and visual impact to a minimum.

7. Landscape Impact

- 7.1. Neighbourhood Plan policy DEB 2 provides, inter alia, that “All development proposals for sites adjoining the settlement boundary must avoid hard edges with the existing built-up boundaries, and with the countryside by creating landscape buffers”.
- 7.2. Neighbourhood Plan policy DEB 19 provides that “New development should be designed to have a positive and distinctive character by designing the development to respond to site features such as views into or out of the area, trees landscapes, and existing buildings. Views highly valued by the community are shown on the Proposals Map and their key features are identified in paragraph 5.7 on page 27. Development which affects these highly valued views must ensure that key features of the view can continue to be enjoyed including distant buildings, areas of landscape and the boundaries between the village edge and the countryside.”

- 7.3. Neighbourhood Plan policy DEB 14 provides that “a) The design and layout of new development on or close to the edge of the village should take account of, respect, and seek to preserve the character of adjacent countryside, green spaces, and landscape setting by providing appropriate landscaping, open areas and tree planting to act to help, to assimilate the proposal into its context; and b) in order to maintain the historic landscape character of the village, new developments should avoid upper valley sides and ridgelines. In order to mitigate the impact of development on lower slopes, substantial landscape belts should be provided on upper valley sides and ridgelines”.
- 7.4. Having considered the indicative layout provided, the proposal appears to consist of low scale single-storey buildings, with existing mature hedgerows, and the significant tree belt to the west of the site being retained, and with significant green areas and additional soft landscape planting indicated throughout.
- 7.5. The indicative layout and landscaping proposed is, therefore, considered to accord with the above planning policies and as such it is not considered that the development would impact significantly views 3 and 11, as described in the Neighbourhood Plan.

8. Site Access, Parking and Highway Safety Considerations

- 8.1. In assessing the extant approval for 8 dwellings on the southern parcel of land (DC/18/00192), against the proposal for up to 25 dwellings on the wider site (0030/17) the planning inspector considered that these two applications were fundamentally different in the proposed numbers of houses (a difference of 17), and the commensurate decrease in the resultant number of additional residents and parking spaces required.
- 8.2. With the current proposal now reducing the difference between what has been previously refused and what has previously been approved to 13 no., the question is as to whether a difference of 13 no. dwellings would still be considered fundamentally different to the scheme for up to 25 dwellings originally proposed (across the entire site) and, therefore, acceptable in terms of highway and pedestrian safety.
- 8.3. SCC-Highways have been consulted on the current application proposal and have not raised objection, subject to compliance with suggested Estate Roads and Footpath, and Parking and Manoeuvring conditions. It is not, therefore, considered that the 4 no. dwellings currently proposed, in addition to the 8 no. dwellings already approved (to the south of the current site), would result in a significant and severe impact on existing highway safety to the extent that planning permission should be refused on such grounds, having considered the planning history, the Appeal Inspector’s previous comments with regards highway safety, and the significant reduction of 13 no. dwellings across the wider site.
- 8.4. It is noted that the proposal site would have access to the approved pedestrian footpath and access, through the adjacent development to the south, to Derry Brook Lane, and in doing so afford future occupants a safer pedestrian route south, to village services and facilities, avoiding the need to walk along Little London Hill.
- 8.5. Your officers do not, therefore, object to the proposal on highway safety grounds and consider the proposal would be in general accordance with the provisions of development plan policies T9, T10, DEB 7, DEB 8 and DEB 9, and with NPPF paragraphs 110 and 111.

9. Impact on Residential Amenity

- 9.1. Due to the proposed single-storey scale of the dwellings and their possible siting and density, as indicated, it is considered unlikely that the proposal would result in a significant impact on neighbouring amenity with regards loss of daylight or the new building being overly oppressive.
- 9.2. Should Outline Planning Permission be granted it is expected that the final layout, scale and appearance of dwellings design will not consist of fenestration that would directly face windows of neighbouring dwellings, in the interest of private amenity.

10. Ecology

- 10.1. The Council's Ecology Consultants have requested further ecological assessment be provided prior to the issuing of a formal planning decision. Such further information has been provided by the applicant and the further comments of Council Ecology Consultants is, currently expected at the time of writing.
- 10.2. Notwithstanding the current holding objection by your Consultant Ecologists, having considered other recent planning applications on and adjoining the site, there is nothing before your officers to indicate such a proposal would otherwise be unacceptable in principle, or that suitable mitigation measures cannot be agreed and successfully carried out prior to commencement.
- 10.3. Your officers, therefore, recommended that members delegate to the Chief Planning Officer to agree suitable mitigation and enhancement measures, in consultation with your consultant Ecologists prior to the issuing of formal planning permission, and to apply relevant conditions as deemed necessary by the Chief Planning Officer,

11. Flood Risk and Drainage

- 11.1. The proposal site lies completely within Environment Agency Flood Zone 1, where there is a very low probability (less than 1 in 1000 annually) of flooding. As such the proposal site is not considered to be at significant risk of flooding and is considered suitable for housing development, of the scale proposed.
- 11.2. The planning application forms propose that foul water be disposed of via the Mains sewer and that surface water be disposed of via sustainable drainage system(s), the details of which are proposed to be provided as part of a detailed reserved matters submission.
- 11.3. Due to the minor development scale of the proposal the Lead Local Flood Authority are not required to be consulted and are not obliged to provide detailed comments relating to the application proposal specifically, other than general advice.
- 11.4. The proposed development is not, therefore, considered to be at significant risk of flooding and is not considered to result in significant additional flood risk to land and properties elsewhere, should suitable mitigation be secured by way of condition.

12. Land Contamination

- 12.1. The applicant has provided a desk based contaminated land assessment with the application proposal, carried out by a suitably qualified individual, which concludes that it is not considered that the site would be designated "Contaminated Land" within the meaning of Part 2A of the Environmental Protection Act 1990. An assessment of the site by the case officer reveals no evidence of contaminating materials present on the site at present. The site is not, therefore, considered to pose a significant risk to future occupants from sources of land contamination.
- 12.2. Your contaminated land specialists have assessed the proposal have not raised objection in principle but have advised the developer to contact the Council should any unexpected ground conditions be encountered during construction. The developer is also advised that responsibility for safe development of the site lies with them.

13. Archaeology

- 13.1. SCC - Archaeology have assessed the application proposal and have not advised any further archaeological works are required on the site, on the basis of recent investigations carried out on the site and adjacent land.
- 13.2. As such, no Archaeological conditions are recommended, should permission be approved.

PART FOUR – CONCLUSION

14. Planning Balance and Conclusion

- 14.1. The principle of development is considered acceptable, in accordance with the provisions of current development plan, having considered the provisions of the NPPF and the site's planning history as a material considerations.
- 14.2. The proposed layout, as indicated, is considered acceptable in principle, in terms of the existing character and density of housing development in this part of the village and is not considered to result in significant harm to existing residential amenity, subject to further detail to be secured by way of conditions.
- 14.3. The proposal is not considered to result in harm to the setting and significance of any designated heritage asset.
- 14.4. On the basis of the information provided, the proposal is not considered to result in a significant impact in terms of landscape, ecology or arboriculture, subject to further information being secured by way of conditions.
- 14.5. The proposed access, estate road layout, and parking and manoeuvring provision within the development site, and the impact on the existing highway network have been assessed by the Local Highway Authority and are considered acceptable in terms of highway safety, subject to conditions.

14.6. The proposal is also considered acceptable with regards issues relating to: Surface Water Drainage; Contaminated Land Assessment; and Archaeology, subject to conditions.

RECOMMENDATION

That authority be delegated to the Chief Planning Officer to APPROVE Outline Planning Permission, subject to satisfactory resolution of Ecology and Biodiversity issues, and subject to conditions as summarised below and those as may be deemed necessary by the Chief Planning Officer:

- Standard Outline Planning Permission Time Limit condition;
- Standard Reserved Matters condition;
- Standard Approved Plans and Documents condition;
- Those required by the Local Highway Authority;
- Those required by Council Ecology Consultants;
- Biodiversity enhancement measures required concurrently with reserved matters;
- Detailed scheme of surface water drainage required concurrently with reserved matters;
- Details of sustainable construction and energy generating measures required concurrently with reserved matters.