

## **Officer Report**

**Item No: 6B**

**Reference: DC/21/03874**

**Case Officer: Rose Wolton**

**Ward:** Haughley, Stowupland & Wetherden

**Ward Member/s:** Cllr Keith Welham and Cllr Rachel Eburne

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**RECOMMENDATION** – That the Chief Planning Officer secure amendments to eastern edge of the site and grant Planning Permission upon completion of the s.106 legal agreement.

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### **Description of Development**

Full Planning Application - Erection of 47 dwellings (16 affordable), together with open space, landscaping, earthworks and drainage.

### **Location**

Moat Meadow, Finningham Road, Old Newton, Suffolk

**Expiry Date:** 17/11/2021

**Application Type:** FUL - Full Planning Application

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

**Applicant:** Keepmoat Homes Ltd

**Agent:** Miss Kate Holland

**Parish:** Old Newton With Dagworth

**Details of Previous Committee / Resolutions and any member site visit:** 1866/17 Outline Consent Approval 19/12/18

**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

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

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N/A

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

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### **Summary of Policies**

Relevant policies in the Core Strategy Focused Review 2012 and Mid-Suffolk Local Plan 1998:

CS01 - Settlement Hierarchy

CS03 - Reduce Contributions to Climate Change

CS04 - Adapting to Climate Change

CS05 - Mid Suffolk's Environment

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CLASSIFICATION: Official

CS06 - Services and Infrastructure  
CS09 - Density and Mix

FC01 - Presumption In Favour Of Sustainable Development  
FC01\_1 - Mid Suffolk Approach To Delivering Sustainable Development

GP01 - Design and layout of development  
H13 - Design and layout of housing development  
H15 - Development to reflect local characteristics  
H16 - Protecting existing residential amenity  
FC02 - Provision and Distribution of Housing  
H07 - Restricting housing development unrelated to needs of countryside  
H14 - A range of house types to meet different accommodation needs  
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  
CL08 - Protecting wildlife habitats

Suffolk Design Guide  
Suffolk Adopted Parking Standards (2019)

National Planning Policy Framework 2021

### **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)**

##### **Newton with Dagworth and Gipping Parish Council**

The Parish Council's original response of the design of the proposed development being bland and not in keeping with our rural village has attempted to be addressed with the colours and variety but the rooflines are still all exactly the same with no variation, the planned changes is an attempt at cosmetic changes and not embracing what Cllrs wanted for example actual differing designs with use of some dormer windows or undulation of rooflines. Something that could be considered distinctive for a village development planned for that is next to an ancient monument and grade II listed farm setting heritage site. What is proposed is still lacking in character. It is noted that the developer is addressing the need for smaller affordable properties and Councillors appreciate their attempt to address the majority of concerns raised. Cllrs would like to see some communal (pay per use) electric vehicle charging points in addition to the on-plot car parking dedicated charging points (EVP) for those properties that will not benefit from dedicated charging points. Cllrs would like to reinforce the footpath link to the centre of the village as essential. Streetlights have not been addressed in the re-consultation and are still a concern of the parish council. Overall Cllrs are pleased at the level of consideration given to comments made previously.

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

### **Historic England**

We have previously provided advice on this case within our remit for the adjacent Scheduled Monument, and in relation to the impact of the proposal on the significance of this asset through development within its setting.

Our engagement with the case dates to the first planning application, where the significance of the Rook Yard Farm double moat (LEN 1451408) was identified. It subsequently became a Scheduled Monument (February 2018) and is a designated heritage asset in policy terms.

#### *Significance*

The designated asset is a rare double medieval moated enclosure and is the remnants of a high-status medieval manor. It is valued for both the preservation of medieval archaeology within the interior spaces between the moats, and for the form and layout of the moats and ditches. The designation scores highly in evidential and historic values and it is an important site for demonstrating the historical development and use of the landscape in this part of Suffolk.

Moated enclosures were an important feature of the medieval farming landscapes and are particularly a feature of the high Suffolk clayland plateau. The relationship of the moat to the landscape is a part of its significance and its setting extends across the development site, particularly as the moat bounds the north eastern part of the development area.

#### *Impact*

The development itself would not have a physical impact upon the monument; however, the red line boundary is adjacent to the monument and as set out above, is clearly within its setting.

We have previously concluded the development is likely to erode that rural context of the designated asset which would in turn result in harm to its significance. Given that considerable improvements have been made to the scheme since its first iteration we are able to confirm that the overall impact of the scheme has been reduced.

There would be a permanent change to the setting of the moat, however the resulting harm would in our view be less than substantial in policy terms.

We have also been reassured that the development would not result in changes to the local water table and therefore our concerns with regards to the possible hydrological impacts from the development upon the moat have also been reduced.

#### *Policy*

The National Planning Policy Framework sets out the desirability of sustaining and enhancing the significance of heritage assets (paragraph 199). It continues that great weight should be given to their conservation and that any harm requires clear and convincing justification, paragraphs 199 and 200. Where a proposal will lead to less than substantial harm, this should be weighed against the public benefits of the proposal, paragraph 202 and 203.

#### *Position*

We are pleased to see the revised layout plan has taken on board our previous concerns, and we note the revised design concept document, revised elevations, landscape and visual appraisal and landscape masterplan have been added to the planning application since we last commented.

The open area to the eastern end of the development and the approach to the houses that would be visible across the green space is encouraging and an approach that we support.

It would be important to ensure the houses that are visible from the entrance to the site and have those active frontages demonstrates as much as possible a sense of place.

We therefore note the comments from consultees and your conservation advisors with regards to the use of materials and design. We would recommend further consideration is taken to ensure the terms of reference are appropriate for the locally distinct vernacular style of the Suffolk claylands. In particular the choice and colour of bricks for example. We are however content to leave this matter to your in-house design and conservation advice team

We also note that the development plans and docs available do not mention street lighting and we would like to be reassured by the council that street lighting and footway lighting would not be needed in the open area at the eastern end. Lighting here would exacerbate the impact of the scheme on the setting of the moat and increase the heritage harm.

As set out above however we are of the view that the development would result in some residual harm to the significance of the monument through development within its setting. This is less than substantial in nature therefore the council in determining the application need to take regard of the policy test set out in para 202 of the NPPF.

We also support the need for further archaeological work and would encourage the council to consider offsetting heritage impacts through schemes that demonstrate positive enhancements such as interpretation.

#### Recommendation

Historic England has no objection to the application on heritage grounds. We consider that there are minor issues and safeguards outlined in our advice that need to be addressed in order for the application to meet the requirements of in particular paragraphs 202 of the NPPF.

#### **Environment Agency**

No comments.

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

##### **Highways**

Whilst noted that the site benefits from outline permission (1866/17) and subsequently, we have no objection to the principle of the proposal, there are several matters that should be addressed or considered before the Highway Authority provides a positive response with recommended planning conditions:

##### *Footway Connection on Finningham Road*

Although it has been communicated via email that the existing electricity pole and stay will be relocated, this has not been shown on an amended drawing, or in documents within the planning submission. Therefore, we are not confident that this amendment can be guaranteed. We consider it essential as the footway will be considered a pinch point at around 1.2 metres wide in this area and vulnerable road users would not be able to pass the stay within the footway width. Please amend the relevant drawings to show the relocation of these items.

##### *Speed Limit*

It is unclear whether the applicant has accepted this requirement, that we consider essential. In order to relocate the speed limit as proposed, a Section 106 contribution of £11,500 will be required to cover the cost of the necessary legal order and the associated statutory requirements of the process.

### *Estate Road Layout*

The developer has confirmed via email that the development estate roads will remain private.

Officer comment – these matters will be addressed in the tabled papers.

### **Travel Plan Officer**

No comments.

### **Archaeology**

This site lies in an area of archaeological potential recorded on the County Historic Environment Record (HER). The proposed development area is situated immediately south of a scheduled medieval moated site (HER ref no. ONW 001; Historic England list no. 1451408) and to the north of Cross Green (ONW 064). As a result, there is high potential for encountering archaeological remains at this location and the proposed works would cause significant ground disturbance that has potential to damage any archaeological deposit and below ground heritage assets that exist. Due to the proposed developments proximity to Rookyard Farm Moats a scheduled ancient monument, Historic England and Mid Suffolk's Heritage Team should be consulted regarding the impacts of the proposal on the setting of the scheduled moated site. There are no grounds to consider refusal of permission in order to achieve preservation in situ of any important below ground heritage assets. However, in accordance with the National Planning Policy Framework (Paragraph 199), any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed. In this case two conditions would be appropriate.

### **Flood and Water**

Approve subject to conditions.

### **Development Contributions**

<b>CIL</b>	<b>Education</b>	<b>Capital Contribution</b>
	- Primary expansion	£207,216
	- Secondary expansion	£213,975
	- Sixth form expansion	£47,550
<b>CIL</b>	Early years expansion	£86,340
<b>CIL</b>	Libraries improvements	£10,152
<b>CIL</b>	Waste	£5,311
<b>S106</b>	Highways	Tbc

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

#### **Place Services – Heritage**

Since my previous comments (dated 19th August), revised drawings have been submitted. It has been established in the heritage statement and the assessment of the impact of the site by Historic England and the Local Authority that the development would result in a level of less than substantial harm to the Rookyard Farm site. Two suggested areas were identified in my previous response, where it would be possible to mitigate this level of harm to some degree.

The first was the single access route through the open green space to the east of the proposed development which is intended as the sole vehicular site access, via Finningham Road. No amendments have been made to this aspect. However, the current layout scheme is an overall improvement on the earlier, more urban designs where development extended to the eastern end of the site. I accept there are likely to be reasons for not introducing a second vehicular access at the western end of the site. Yet the submission of further details of lighting, surface treatments and any proposed bollards in this open eastern area would be beneficial.

A second suggested area for mitigation was the design and materials of the dwellings. A minimum of improvement has been introduced in the revised scheme, with the referencing of buildings, architecture and materials found in Old Newton, to a very limited degree. Yet the design scheme for the dwellings still retains a uniformity and the full use of high-quality, natural materials, details and finishes previously recommended has still not been achieved. The overall character and appearance of the dwellings is repetitive and monotonous. I still recommend far more diversity in the design of the dwellings and greater variation in the house types, to ensure the development makes a positive contribution to local character and distinctiveness (as required in Paragraph 197c of the NPPF) and that it fully draws on the contribution made by the historic environment to the character of place (as required in Paragraph 190d of the NPPF).

### **Strategic Housing**

A change to the affordable housing mix is requested, to include a small number of 1- bed units to meet affordable housing needs.

Mid Suffolk policy is for relevant development to provide 35% affordable housing. For a development of 47 units, this equates to 16.45 affordable units, which is reflected in the applicant's proposals, with the Planning Statement indicating 16 affordable homes on site plus a commuted sum to make up the difference. The residual 0.45 of a unit should be provided via a commuted sum. This equates to £34,171.

The distribution of the affordable housing is acceptable. The Planning Statement commits to tenure-blind design and, with the Site Plan (house types and tenures) showing that the affordable housing is drawn from the same range of dwelling types as the market homes. This is welcomed, as is the commitment to meeting part M4(2) of the Building Regulations.

### **Environmental Health (noise/odour/light/smoke)**

Construction activities have the potential to cause a loss of amenity during the works. I therefore request conditions.

### **Environmental Health Sustainability**

While the Energy and Sustainability Statement (ESS) addressed most of the conditions identified in my original comment there are two exceptions that still need to be addressed:

- Agreement of provisions to ensure no more than 105 litres per person per day is used – The ESS has projected use of 105.9 l/p/d
- An electric car charging point per dwelling.

The scheme shall include a clear timetable for the implementation of the measures in relation to the first occupancy of the development. The scheme shall be constructed and the measures provided and made available for use in accordance with such timetable as may be agreed and thereafter maintained.

### **Environmental Health Land Contamination**

No objection.

### **Environmental Health Air Quality**

I can confirm that the scale of development, at 47 dwellings, is not likely to be of a scale of that would compromise the existing good air quality at, and around the development site. When assessing the impacts

of developments we give regard to the existing air quality at the site as provided by DEFRA background concentrations and also the number of likely vehicle movements. DEFRA and the Institute of Air Quality Management provide benchmarks of the scale of development that may start to cause a deterioration of air quality that requires further assessment. IAQM indicate that concerns may start to occur on developments which generate 500 vehicle movements a day – this development falls short of this threshold and as such further investigation is not warranted.

### **Public Realm**

No objections.

### **Place Services Ecology**

We have reviewed the Ecological Impact Assessment (Geosphere Environmental Ltd, August 2021), the Ecology update (Geosphere Environmental Ltd, July 2021), the Method Statement for Reptiles (Geosphere Environmental Ltd, July 2021), The Biodiversity Net Gain Calculations (Geosphere Environmental Ltd, September 2021) and the Impact Assessment and Conservation Payment Certificate for Great Crested Newt, supplied by the applicant, relating to the likely impacts of development on designated sites, protected and Priority species & habitats.

We have also reassessed the Preliminary Ecological Appraisal (Geosphere Environmental Ltd, June 2016); Breeding Bird Survey (Geosphere Environmental Ltd, May 2018); Great Crested Newt Habitat Suitability Index Assessment (Geosphere Environmental Ltd, May 2018); Reptile Survey and Outline Mitigation Strategy (Geosphere Environmental Ltd, June 2018); and Bat Activity Survey (Geosphere Environmental Ltd, July 2018) supplied by the developer for the previously consented application.

The mitigation measures identified in the Ecological Impact Assessment (Geosphere Environmental Ltd, August 2021) and the Method Statement for Reptiles (Geosphere Environmental Ltd, July 2021) should be secured and implemented in full. This is necessary to conserve Protected and Priority Species.

It is highlighted that we note that the applicant intends to proceed under the District Level Licencing Scheme for Great Crested Newt and that an Impact Assessment and Conservation Payment Certificate countersigned by Natural England has been provided to the LPA. As a result, subject to this site being registered under a site licence, we are satisfied the proposal will comply with the requirements of the Conservation of Habitats and Species Regulations 2017 (As amended). However, a copy of the site licence registration should be secured as a condition of any consent and provided to the LPA prior to commencement.

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

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

In addition, we have reviewed the Biodiversity Net Gain Calculations (Geosphere Environmental Ltd, September 2021) and can see that the development can secure measurable net gains for biodiversity, as outlined under Paragraph 174d and 180d of the National Planning Policy Framework 2021. The report outlines that a 3.12% increase in habitat units and a 75% increase of hedgerow units will be gained from the proposals. However, we do note that that Defra Biodiversity Metric Calculations indicate that the trading

rules are not satisfied for the replacement of habitat with medium distinctiveness (-0.54). This is primarily due to the loss of bramble scrub habitat within the site, which typically requires 'the same broad habitat or a higher distinctiveness habitat' to meet the trading conditions. Therefore, whilst we are pleased that measurable net gains for biodiversity can be achieved in principle, we encourage the developer to also satisfy the Biodiversity Net Gain trading (Rule 3 of the Biodiversity Metrics 3.0) for this application.

Furthermore, it is indicated that we support the bespoke ecological enhancement measures outline within the Ecological Impact Assessment (Geosphere Environmental Ltd, August 2021). The finalised measures should be outlined within the Landscape and Ecological Management Plan and should preferably also demonstrate Hedgehog friendly fencing throughout the site.

### **Place Services Landscape**

Further to our previous letter a Landscape and Visual Assessment (LVA) has been produced, however it is missing the accompanying plans and details in Appendix A-C and Figures 1-7. The written portion does provide details of the identified constraints and proposed mitigation measures and concluded that the visual impact will be limited to the immediate vicinity and the proposed landscape scheme will be sufficient to mitigate any adverse impact. No changes in the proposed scheme layout have been noted in Revision D of the Landscape Masterplan following the LVA.

While we are satisfied that the site constraints have been considered we recommend that the missing sections be submitted prior to determination so that the LPA can be assured that impact has been fully identified and mitigated. With regard to the landscape design of the proposed scheme there is currently insufficient information for a comprehensive response.

We recommend that the landscape scheme submission should include:

- A Landscape masterplan showing areas of planting, hard landscape, physical and visual connection points with the wider landscape and any constraints such as easements, ecological offsets or corridors, changes to levels (contours or spot levels) etc.
- A soft landscape scheme including:
  - plan(s) showing the location and quantity of all plant materials (drawn to a scale of not less than 1:200)
  - a schedule of species, size, density and spacing of all trees, shrubs and hedgerows to be planted and details of areas to be grass, seeded or turfed including cultivation and other operations associated with establishment.
- A hard landscape scheme including plan(s) showing the location of
  - hard or otherwise paved surfaces, including the extent and specification for footways and kerbing, together with the type and specification of all permeable paving and asphalt surfaces (drawn to a scale of not less than 1:200)
  - all means of enclosure and all boundary treatments between individual plots, all boundary treatments around the perimeter of the site and all boundaries adjacent to the service road.
  - play equipment details and where necessary RoSPA approval of bespoke features.
- A SuDS scheme including plans showing contours, sections through the features and details of all soft and hard engineered elements such as inlets and outlets.

A Landscape Masterplan, Boundary Plan and some SuDS details have been submitted, below are our observations and recommendations:

- The key on the Illustrative Masterplan doesn't seem to fully correlate with the plan, we have assumed that the transplanted oak trees are those shown towards the eastern boundary within the native shrub planting. The current spacings indicated are too close and would create too much competition between the trees. Meaning that they are unlikely to reach their full potential for visual or ecological amenity. We recommend that the spacings be reviewed to take account of the mature size and spread of the species.
- Revision A of the Site Plan shows an Electricity Substation located adjacent to the access road north of plot 44 but is



not shown on the submitted Landscape Masterplan. This is a visually prominent location when accessing the site by road or using the eastern POS and therefore should receive adequate screening.

- The use of parking courts should be avoided where at all possible. Where alternatives cannot be found they should be designed with security and safety in mind. Currently the parking courts have no active frontage.
- The boundary plan shows plot boundaries adjoining the parking courts as timber fenced. We would recommend that either significant planting is introduced or these are specified as 1.8m high walls.
- There are several private gardens which look to be small. We would recommend that gardens should be a minimum of 50sqm for a 2 bedroom dwelling.
- Table 1 Suggested Tree species found in the LVA lists *Prunus padus*, we would recommend that this species be removed from the planting mix and recommend that it be substituted with *Prunus avium*.
- We welcome the integration of SuDS on site. Typical sections and details have been provided for the SuDS features, though the design of the inlet and outlet and planting were not provided. Given the rural setting a standard approach of precast concrete and galvanised handrail for inlets/outlets should be avoided. To improve biodiversity the attenuation area should be combined with a range of vegetation types such as wildflowers and other nectar rich plants, grasses of various heights, drought tolerant species as well as marginal aquatics and wet grassland. Trees and shrubs can also be used where appropriate.
- The central attenuation areas is an engineered approach which may be better relocated to beneath one of the hard paved areas. This would then allow for additional planting or other amenity use to be provided year-round on the area and possible future development of the amenity offer on site.
- The slope of the western attenuation basin is identified as 1:4 which would not require the installation of a knee rail, as shown on the boundary plan and section.
- We would suggest that the inclusion of street trees be explored more fully to meet the recommendations set out in NPPF paragraph 131.
- A retaining wall is indicated on the Boundary Plan, though no details of proposed levels have been provided for this feature or the wider site.
- A flowering lawn mix should be used in place of amenity grass for areas within the public realm. Flowering lawns provide visual interest, improve biodiversity value, establish quickly and are easy to maintain long-term.
- Subject to ecological recommendations we suggest the below as an appropriate species mix for the site boundary: - 60% Hawthorn (*Crataegus monogyna*) - 20% Field maple (*Acer campestre*) - 10% Hazel (*Corylus Avellana*) - 5% Trees (wild cherry, oak or hornbeam) - 5% made of holly, spindle, crab apple, dogwood, blackthorn and guelder rose (only a few % each IF they are present in the locality).

A Landscape and Ecological Management Plan was included within the submission. It provides a good level of detail on design intention and the general management and maintenance of the landscape scheme, however we believe it would benefit from:

- A single maintenance task table which explains the maintenance duties across the site in both chronological and systematic order.
- Drawings showing:
  - The extent of the LMP; i.e. only showing the areas to which the LMP applies, areas of private ownership should be excluded
  - Where appropriate plans showing successional years of cutting ie 3 or 5 year rotations for meadow grass, marginal planting and thickets.

Notwithstanding the above recommendations, if minded for approval we suggest that the soft and hard landscape details are secured with an appropriate condition.

Officer comment – this matter is under discussion and will be left to condition.

**Arboricultural Officer**

I have no objection to this application subject to it being undertaken in accordance with the measures outlined in the accompanying arboricultural report, an appropriate condition should be used for this purpose. Although a number of trees are proposed for removal this is on account of their poor condition and not in order to enable development.

### **Waste Services**

No objection subject to conditions.

### **Other**

#### **East Suffolk Inland Drainage Board**

I note that the applicant intends to discharge surface water to a watercourse within the watershed catchment of the Board's IDD. I'm pleased to see that this discharge is facilitated in line with the NonStatutory technical standards for sustainable drainage systems (SuDS), specifically S2 and S4. We recommend that the discharge from this site is attenuated to the Greenfield Runoff Rates wherever possible

#### **Anglian Water**

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

#### **Mid Suffolk Disability Forum**

We would like to see a commitment to ensuring that all dwellings will meet Part M4 of the Building Regulations. All dwellings should be visitable and meet Part M4(1), and 50% of the dwellings should meet the 'accessible and adaptable' standard Part M4(2).

It is disappointing to note that there are no dwellings that meet the needs of people with mobility problems as there appear to be none with ground floor bedrooms. The statement that bungalows are 'land hungry' demonstrates a lack of consideration towards people who are wheelchair users or have mobility problems.

Every effort should be made to ensure all footpaths are wide enough for wheelchair users, with a minimum width of 1500mm, and that any dropped kerbs within the development are absolutely level with roads for ease of access.

Surfaces should be firm, durable and level. No loose gravel, cobbles or uneven setts should be used.

#### **The Garden Trust**

Further to our original response to an outline planning application for 56 houses on the above site in 2016 and a subsequent letter on 14th March 2018, we have been made aware of the above new application with a slightly reduced number of houses, by a local resident. Since our original correspondence, the moats have been listed as a Scheduled Ancient Monument which adds an even greater level of significance to an important historical site. Any building in the setting of this heritage asset and that of the Grade II listed Rookyard Farm, will have a very detrimental effect upon the setting and views back from and to the moat. The setting of the two heritage assets have always been extremely rural and this will be irretrievably altered by development.

We are glad to see that at least the proposing housing has been moved to the western side of the application site, leaving an area of open space to the south of the moats and most immediately sensitive area of heritage significance. We would however have expected to find a detailed Visual Impact Assessment (VIA) to accompany this application. The Planning Statement does contain some paragraphs (5.11-5.17) pertaining to this, but a VIA with view-points taken to and from within the setting of the SAM and Rookyard Farm, with wire frames indicating how visible the new housing would be, would have been extremely helpful to your officers when deciding this application.

Para 3.4 describes the materials to be used for the housing and Para 5.13 states that : 'There is no overriding character to the local area that would be determinative to the design of the development proposals. As such the materials proposed draw reference from the local area.' We concur with the comments contained in Old Newton with Dagworth & Gipping Parish Council's report of 28th July : 'Cllrs believe that the designs of the proposed properties appear bland and non-interesting and not distinctive for a village development planned for that is next to an ancient monument and grade II listed farm setting heritage site. What is proposed is lacking in character and definitely not in keeping with our village or its historical feel.' We would urge your officers to ensure that for development in such an important setting, enormous care is taken to make sure that if approved, the design of the detailed scheme is the best it could possibly be to mitigate at least some of the harm. Your officers will be better placed than the GT to suggest more suitable specific materials and we feel sure that you will be able to call on appropriate expertise to ensure that this aspect is properly attended to.

## **B: Representations**

At the time of writing this report at least eight online comments have been received. It is the officer opinion that this represents two objections and six general comments. A verbal update shall be provided as necessary.

Views are summarised below:

- The proposal should revert back to the original 21 affordable homes rather than the 16 now proposed
- Pedestrian/cycle path access to Silver Street should be bollarded
- Hedge should be reinstated to the field access to the site next to 20 Silver Street
- Hedge on Silver Street frontage should be retained as much as possible
- Boundary fence needs to run the full length of the development and not stop at 16 Falconer Avenue. It should run past the car court opposite 14 Falconer Avenue and down to the open green space at number 4 Falconer Avenue
- Omit lighting to open space to protect rural character and setting of the scheduled monument - moats at Rookyard Farm
- Open space not to be used for play equipment
- Rendered finishing rather than brick would enhance development and better preserve setting of the scheduled monument - moats at Rookyard Farm
- Trees on the Finningham Road boundary to be kept intact.
- Developer is to be aware hedgerow fences along the rear gardens of Falconer Avenue are set one metre within the property boundary to allow access for hedge and property maintenance.

(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:** 1866/17

Outline planning application with Access, Landscaping and Layout to be considered for the erection of up to 56 dwellings with vehicular access from Finningham Road, Old Newton. Appearance and Scale to be the subject of a Reserved Matters application

**DECISION:** GTD  
28.10.2019

**REF:** 3814/16                      Application for Outline Planning Permission dealing with Access, Landscaping and Layout, (Appearance & Scale to be the subject of a Reserved Matters application) for the construction of 59 dwellings with vehicular accesses from Finningham Road and Silver Street, Old Newton                      **DECISION:** WDN 18.04.2017

**REF:** 2828/15                      Pre app submission for Rural Exception Scheme on Finningham Road.                      **DECISION:** REC

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

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### **1.0    The Site and Surroundings**

- 1.1.    The 2.5ha site is at the northern end of Old Newton, a designated Primary Village approximately 3km north of Stowmarket. The subject land is behind and to the north of residential properties fronting Falconer Avenue. It extends between Silver Street to the west and Finningham Road (B1113) to the east, with frontages to both. Formerly two fields, it is now one and is known as 'The Field'.
- 1.2.    There is a boundary hedge to the north of the site and agricultural fields beyond this and a small wooded area on the opposite side of Finningham Road.
- 1.3.    To the north east of the site is Rookyard Farm, occupied by a Grade II listed building. The land within the curtilage of Rookyard Farm includes a double moat which is designated as a Scheduled Ancient Monument.
- 1.4.    The trees along the boundary at the Finningham Road frontage are covered by a tree preservation order (MS07/A1 and A2).

### **2.0    The Proposal**

- 2.1.    Outline permission 1866/17 was granted in 2019 for a 47 dwelling development. The outline consent included approval of the layout, landscaping and access.
- 2.2.    The current application is made in full and has been made in this way, rather than by way of reserved matters applications, owing to proposed layout changes that alter the housing mix and to accommodate the housing developer's particular housing proposals.
- 2.3.    The application generally accords with the development principles approved as part of the outline consent, with the proposed layout generally aligning with the indicative layout plan (01 Rev G) that supported the outline application.
- 2.4.    Key design elements are as follows:
  - A mix of market (31) and affordable (16) dwellings.

- Housing mix: 7 x 2 bed 3 person 2 storey semi and terraced houses; 16 x 2 bed 4 person 2 storey semi and terraced houses; 19 x 3 bed 4 person 2 storey semi and terraced houses; 1 x 3 bed 5 person 2 storey detached house; 4 x 4 bed 6 person 2 storey semi-detached houses;
- Affordable dwellings - 75% affordable rent and 25% shared ownership; 62.5% 2-bedroom, 4-person units; and 37.5% 3-bedroom, 4 person units;
- Two storey dwellings formed in either semi-detached pairs or short terraces;
- External finishing materials comprising orange/red multi tone brickwork and brown roof tiles, white uPVC joinery;
- On-site vehicle parking predominantly on hardstand areas to side of dwellings and parking courts to rear;
- 12 visitor spaces (0.25 ratio);
- Cycle storage is provided on each plot;
- Vehicular access from Finningham Road to the east;
- Pedestrian access onto Silver Street to the west and a potential connection to Falconer Avenue to the south up to the site boundary;
- The provision of a large area of open space (wildflower meadow) to the eastern side including footpaths linking onto Finningham Road;
- Dwellings fronting onto the eastern open space with courtyard parking behind to respect the setting of the Scheduled Ancient Monument to the north;
- Attenuation basin at the western end fronting Silver Street and a second basin central to the site adjacent the northern boundary;
- Landscaping – 3m wild grassland strip to northern boundary, close boarded timber fencing to side and rear boundaries;
- Retention of vegetation to Finningham Road and Silver Street frontages with proposed supplementary native tree planting.

### **3.0 The Principle of Development**

- 3.1. The principle of developing the site for residential purposes has been established by the grant of outline permission 1866/17 in 2019. On this basis it is not necessary to assess in any detail the sustainability credentials of the subject location. The outline approval has deemed the site's location to be one suitable for residential development at the density proposed.
- 3.2. It has been well-established by the Inspectorate that where there is an absence of an adopted neighbourhood plan, as is the case in this instance, the relevant policies in the development plan most important for determining the application are considered out-of-date. As a result, the default position at NPPF paragraph 11d engages, that is, approving development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 3.3. In this policy context, the key issues for determination are:
- a) The impact of the design and layout of the development on the character and appearance of the area;
  - b) The impact of the development on local landscape character;
  - c) The impact of the development on heritage character, including the setting of the nearby Scheduled Ancient Monument and the Grade II listed Rookyard Farm;
  - d) The impact of the development on the amenity of neighbouring residents;
  - e) The impact of the development on highway safety including adequacy of on-site vehicle/cycle parking provision and pedestrian connectivity;
  - f) The proposed level of affordable housing provision and proposed housing mix;
  - g) The impact of the development on local biodiversity values.

## **4.0 Design and Layout**

- 4.1. NPPF paragraph 130(c) states that planning decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting. NPPF paragraph 197 states that local authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness.
- 4.2. Local Plan Policy GP01 calls for proposals to, amongst other matters, maintain and enhance the character and appearance of their surroundings. Local Plan Policy H13 expects a high standard of design and layout for housing developments. Local Plan Policy H14 encourages a variety of house types and designs to cater for different accommodation needs, and to avoid undue uniformity.
- 4.3. The proposed housing would have a linear character that would echo the grain of the development pattern in the village. The overall development layout is therefore supported, consistent with local distinctiveness.
- 4.4. The Parish Council and the Heritage Officer raise concern regarding the design and materials of the dwellings. The Heritage Officer considers that the referencing of buildings, architecture and materials found in Old Newton has only been achieved to a very limited degree. The Heritage Officer considers the built form outcome, appearing somewhat repetitive, could be significantly improved with higher quality, natural materials, and an increase in design diversity with greater variation in house types.
- 4.5. Whilst the limited variation and diversity in the design of the dwellings has been cited, it is worth noting that the prevailing character of this area of Old Newton is modern, with many gault brick bungalows. There is also a smaller amount of two-storey red brick of a higher quality. The proposed scheme belongs in this higher bracket.
- 4.6. The houses closest to the moat also feature design tweaks with contrasting corner bricks, a string course, porches and finials, all of which are considered to contribute positively to the local character.

## **5.0 Landscape Character**

- 5.1. Policy CS5 of the Core Strategy seeks to protect and conserve landscape qualities taking into account the natural environment and the historical dimension of the landscape as a whole rather than concentrating solely on selected areas, protecting the District's most important components and encouraging development that is consistent with conserving its overall character. Policy CS5 requires development to be of a high-quality design that respects the local distinctiveness and the built heritage of Mid Suffolk, enhancing the character and appearance of the district.
- 5.2. The site is not in an area of special character designation such as an Area of Outstanding Natural Beauty or Special Landscape Area. Nor is the site adjoining, or in proximity to, any designated landscape areas of special significance.
- 5.3. The application is supported by a Landscape Masterplan, Boundary Plan and SuDS details, all of which has been reviewed by the landscape consultant. The general theme to the proposed landscaping initiatives are supported. The landscaping will, in the main, provide for a relatively verdant landscape, one that will enhance the northern edge of the village. The proposed 3m wide wild grassland strip to the northern boundary is a welcome landscape response, as is the provision of a large area of open space to the eastern end of the site adjacent Finningham Road, the SuDS

drainage features within the main developed area, and the varied paving surface treatments (block paving, concrete slabs etc).

- 5.4. The landscape planting will soften the built form impact, provide for a less urban feel, and relate positively to the adjacent designated heritage assets. The landscape consultant suggests a number of minor changes to the landscape scheme as submitted. None of the suggested changes are fundamental to the overall design concept and can be readily secured by a planning condition that seeks an amended landscape scheme. Matters such as the incorporation of street trees (to accord with NPPF paragraph 131), screening of the electricity substation, and a flowering lawn mix for public grassed areas are all important landscape design elements that must be addressed to ensure a positive landscape response is delivered. These matters can be addressed via a revised landscape scheme condition.
- 5.5. The proposal requires the removal of a small number of trees, of note is the loss of some at the Finningham Road frontage in order to facilitate the development of the main vehicle access into the site. Although these trees are protected by a tree preservation order, the arboricultural officer considers the proposed extent of tree removal acceptable on account of their poor condition. Any visual amenity harm resulting from the proposed tree removal is therefore considered very low. It must also be noted that landscape harm in this respect will be offset to some degree by the proposed landscape planting scheme, with proposed supplementary native tree planting to the Finningham Road and Silver Street frontages. The outcome at these frontages is an enhancement of landscape character and local distinctiveness.
- 5.6. A s106 agreement is recommended to secure the long-term management of all proposed public open space areas. This document would be read in conjunction with the supporting Landscape and Ecological Management Plan, which itself requires some refinement before being able to be approved. These requirements can be achieved via planning conditions.
- 5.7. Adverse landscape character impacts generated by the development will be minor.

## **6.0 Heritage Character**

- 6.1. Policy HB1 of the Local Plan seeks to protect the character and appearance of buildings of architectural or historic interest, particularly protecting the settings of Listed Buildings. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a listed building or its setting.
- 6.2. The key heritage character issue is the impact of the development on the two adjacent northern designated heritage assets, those being the Grade II listed building at Rookyard Farm and the double moat, designated as a Scheduled Ancient Monument, in the curtilage of Rookyard Farm. Historic England, the Heritage Officer and the Garden Trust all observe that the current layout is an overall improvement on the earlier, more urban designs where development extended to the eastern end of the site. The current scheme omits housing at the eastern end, with the provision of an open green space deliberately incorporated in the most immediately sensitive area of heritage significance, thereby preserving the setting of both designated assets. Any heritage character harm is considered to be of a low level, of less than substantial and this is largely due to the current wider rural aspect of Rookyard Farm being altered with the introduction of a built form.
- 6.3. Where a proposal will lead to less than substantial harm, this should be weighed against the public benefits of the proposal, in accordance with paragraph 202 and 203 of the NPPF. The scheme offers considerable social and economic benefits owing principally to its scale. In social terms there

are positives, principally through the provision of 16 affordable units. In economic terms 47 dwellings will provide not insignificant local employment opportunities and generate considerable local spend throughout the construction phase as well as in the longer term by the occupants of the development. The public benefits outweigh the identified heritage harm which is, as noted above, of a low level.

- 6.4. SCC Archaeology note there is high potential for encountering archaeological remains at the subject location and the proposed works would cause significant ground disturbance that has potential to damage any archaeological deposit and below ground heritage assets that exist. The Authority recommend standard archaeology conditions of consent that are supported.
- 6.5. Officers conclude that the development will have a low adverse heritage impact. Conflict with Local Plan Policy HB1 will be limited.
- 6.6 That said, and whilst acknowledging that the scheme has been improved at the eastern end in the setting of the moat, Officers are keen to negotiate a further uplift in design and ask for this matter to be delegated to them following this informal meeting.

## **7.0 Residential Amenity**

- 7.1. The NPPF sets out a number of core planning principles as to underpin decision taking, including, seeking to secure a good standard of amenity for all existing and future occupants of land and buildings. Policy H13 of the Local Plan seeks to ensure new housing development protects the amenity of neighbouring residents. Policy H16 of the Local Plan seeks to protect the existing amenity of residential areas.
- 7.2. The northern interface is not a sensitive amenity location given the adjacent open field. Although the dwellings are double storey and therefore have the potential to overlook neighbouring residential plots, all dwellings with a relationship to the southern neighbouring plots are well set back from the southern boundary. The generous rear setbacks of the dwellings ensures that the development will not result in an unacceptable loss of privacy for neighbouring residents. For the same reason, daylight/sunlight accessibility for neighbouring residents is maintained, and there will not be adverse visual bulk effects.
- 7.3. Conditions are recommended to ensure impacts on the amenities of neighbouring residents during the construction phase of the development are adequately controlled, including restrictions relating to construction hours, construction vehicle parking, on-site burning and dust control. As is standard for a development of this scale, a construction management plan is required by condition.
- 7.4. Having regard to the above assessment, it is concluded that the development will not result in adverse amenity impacts.

## **8.0 Site Access, Parking and Highway Safety**

- 8.1. Local Plan Policy T10 requires the consideration of a number of highway matters when determining planning applications, including; the provision of safe access, the safe and free flow of traffic and pedestrian safety, safe capacity of the road network and the provision of adequate parking and turning for vehicles. Policy T10 is a general transport policy which is generally consistent with Section 9 of the NPPF on promoting sustainable transport, and therefore is afforded considerable weight.



- 8.2. The Highways Authority accepts the principle of the creation of a new vehicle access on Finningham Road. There is nothing to suggest in their referral response that Finningham Road does not have the capacity to cater for the anticipated increase in traffic volumes that will result from the development. A relocation of the speed limit on Finningham Road is however required to ensure an acceptable highway safety outcome, and the Authority advises that a monetary contribution from the applicant of £11,500 is necessary. This financial requirement can be secured as part of the approval decision.
- 8.3. The proposed quantum of on-site parking for residents of the dwellings, as well as visitors to the development, is acceptable. The two and three bedroom houses have two allocated spaces, the four bedroom houses have three, in accordance with Suffolk Guidance for Parking 2019. The dimensions of the parking spaces (2.5m x 5m tandem parking bays) is also acceptable. Visitor parking is spread across the site, with indented parking bays on the street providing an accessible arrangement for users. Vehicle parking is, in the main, located to the side of dwellings in a tandem arrangement, a conventional parking layout that will not impact local highway safety. There is ample room for cycle storage on each plot.
- 8.4. The internal road design may require some alteration in order to accommodate street trees, this however does not appear to be of any significant consequence in design terms given the scale of the site. Three proposed raised tables to the internal road promotes pedestrian safety.
- 8.5. The road layout has been designed taking into account the required vehicle tracking for waste collection vehicles. As a result, the Waste Management team does not object to the proposed road layout. Refuse collections are from the roadside and most properties have direct access to enable kerbside collection. Plots 1 -3, 7 - 9, 22 - 25 and 42 - 47 have rear garden access in private drives or courtyards. These properties have access to a roadside bin collection point and occupants will move their bins to these stations on collection day.
- 8.6. Two 2m wide footpath linkages are provided from the site to Finningham Road. Footpath /cycle connections are also proposed to the west into Silver Street (3.7m wide shared pathway) and to the southern site to provide a future potential connection onto Falconer Avenue. Proposed pedestrian/cycle connectivity between the site and the village is therefore excellent. The Highways Authority notes the need to relocate the electricity pole and stay located in proximity of the proposed footway connection. An amended plan condition can address this requirement, noting the applicant has confirmed acceptance of the need for the pole/stay relocation.
- 8.7. Electric vehicle infrastructure (ducting and suitable consumer unit with 7.4kw minimum charge specification) for each dwelling is to be provided in order to comply with Suffolk Guidance for Parking. This can be addressed by a condition of consent. Officers note the desire of the Parish Council to see the incorporation of communal (pay per use) electric vehicle charging points in the development, in addition to the on-plot charging points. However this would go beyond the minimum requirements set out in the Suffolk for Parking Guidance.
- 8.8. The proposal complies with Local Plan Policy T09 and T10. Officers conclude that the development will not result in a severe impact on the functioning of the local highway network.
- 8.9. Officers conclude that the development, subject to compliance with consent conditions and implementation of financial obligations, will not result in adverse highway safety impacts.

## **9.0 Housing Mix and Affordable Housing Provision**

- 9.1. It is policy that 35% of dwellings are provided as affordable units, equating to in this instance a need for 16.45 affordable units. The application proposes 16 units with the balance provided by way of a commuted sum (£34,171). This arrangement is acceptable and, in effect, the application complies with the 35% requirement.
- 9.2. The Strategic Housing Officer welcomes a number of scheme aspects, including: (a) the distribution of the affordable housing across the site; (b) the tenure-neutral design of the affordable units; and (c) the commitment to meeting part M4(2) of the Building Regulations. Also of note is that all of the proposed dwellings, affordable and market units, meet the Nationally Described Space Standard.
- 9.3. In terms of housing mix, the Strategic Housing Officer recommends the incorporation of a small number of one bedroom units to meet affordable housing needs, as well as open market needs. The absence of one bedroom units is a disappointing element of the scheme, a less preferable housing outcome that must be weighed in the planning balance.

## **10.0 Ecology**

- 10.1. Policy CS5 of the Core Strategy requires development to protect, manage and enhance Mid Suffolk's biodiversity.
- 10.2. The application is supported by a significant volume of ecology-related documentation, including an Impact Assessment and Conservation Payment Certificate countersigned by Natural England. All of the supporting documentation has been reviewed by the ecology consultant who does not raise an objection. The consultant is satisfied with the supporting information, confirming that the mitigation measures identified in the Ecological Impact Assessment (Geosphere Environmental Ltd, August 2021) and the Method Statement for Reptiles (Geosphere Environmental Ltd, July 2021) should be secured and implemented in full. Implementation of the proposed measures can be addressed by planning conditions.
- 10.3. The consultant considers the proposal to comply with the Conservation of Habitats and Species Regulations 2017 (as amended), subject to the site being registered under a site licence as proposed by the applicant. Submission of a copy of the site licence registration shall be made a condition of consent, in line with the ecology consultant's recommendation. A Wildlife Friendly Lighting Strategy is also a recommended requirement to be sought via planning condition.
- 10.4. Subject to compliance with consent conditions, the development will not generate adverse biodiversity impacts.

## **11.0 Scheme Benefits**

- 11.1. The application should be determined in accordance with the development plan unless material considerations indicate otherwise. The benefits of the development, as material considerations, must therefore be taken into account.
- 11.2. Such benefits in this case principally relate to the provision of new housing. New housing, and new affordable housing, are important benefits given the scale proposed. The district's current housing supply exceeds five years and therefore the magnitude of the public benefit in this regard is moderated, however the benefit remains important and tangible. The economic benefits to flow from a 47 dwelling development would also not be insignificant, particularly the increased local spending by future occupants that will occur, which will be a benefit to the village.

## **PART FOUR – CONCLUSION**

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### **12.0 Planning Balance and Conclusion**

- 12.1. The starting point for determining this application is s38(6) of the Planning and Compulsory Purchase Act 2004. This requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.
- 12.2. The relevant development plan policies most important for determining the application are out-of-date. Core Strategy Policy FC1 states that where relevant policies are out-of-date permission will be granted unless material considerations indicate otherwise – taking account whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF.
- 12.3. The principle of developing the site for this scale of residential is already established; the site is a sustainable location for housing, very well connected to the local village by sustainable transport modes.
- 12.4. The limited design diversity provides for a rather repetitive townscape, which will have a minor adverse impact on local built character. The development will result in less than minor adverse landscape and heritage character impacts. There will not be adverse residential amenity, highway safety or biodiversity impacts provided recommended conditions of consent are complied with. In conclusion, the development would result in a net adverse impact on the landscape, heritage and built character of the village, but this impact would not be of a high order.
- 12.5. The proposal would deliver market and affordable homes thereby contributing to the district's housing supply. This represents a social benefit of granting permission and one which carries at least moderate weight in the planning balance, notwithstanding the fact that the district has a five year housing supply. It is important to note in this context however that the five-year housing land supply target is not a ceiling, it is a target. There is support in the NPPF for the provision of affordable housing, including that to meet local needs; the proposal directly implements this requirement with the provision of 16 affordable units, not an insignificant number.
- 12.6. There would be economic benefits in the longer term from future residents of the development spending in the local economy, attracting moderate weight. In addition, an information board will be provided which offers a social benefit.
- 12.6. The identified adverse impacts do not significantly and demonstrably outweigh the benefits of the development. The proposal would constitute a sustainable form of development for which the development plan and NPPF provide a presumption in favour. There are no material considerations indicating that permission should not be granted. Accordingly, planning permission is recommended subject to conditions.

## **RECOMMENDATION**

**(1) Subject to modifications to the eastern-most part of the site to the satisfaction of the Chief Planning Officer and subject to the prior agreement of a Section 106 Planning Obligation on appropriate terms to the satisfaction of the Chief Planning Officer as summarised below and those as may be deemed necessary by the Chief Planning Officer to secure:**

Affordable housing mix/tenure

Affordable housing commuted sum £34,171

£11,500 speed limit relocation contribution

On site open space and includes management of the space to be agreed and requirement for public access at all times.

**(2) That the Chief Planning Officer grant Planning Permission upon completion of the legal agreement subject to conditions as summarised below and those as may be deemed necessary by the Chief Planning Officer:**

Standard time limit

Approved Plans (Plans submitted that form this application)

Footway connection - electricity pole and stay relocation

Highways conditions

Landscape and Ecological Management Plan amendments

Substation screening details

Boundary Plan amendments

Landscape Masterplan

Soft landscaping plan

Hard landscaping plan

Play equipment details

Sustainability – no more than 105 litres per person per day is used

Sustainability – electric car charging point per dwelling.

Archaeology – Written Scheme of Investigation

Archaeology – Post investigation assessment

Ecological Appraisal Recommendations

Natural England Mitigation Licence

Construction Environmental Management Plan

Wildlife Sensitive Lighting Design Scheme

Flood Risk Assessment implementation

Surface Water Drainage Verification Report

Construction Surface Water Management Plan

Construction hours

No burning

Construction Management Plan

Dust Control

Waste Collection Details

Information board

**(3) And the following informative notes as summarised and those as may be deemed necessary:**

- Pro active working statement
- SCC Highways notes
- Support for sustainable development principles

**(4) That in the event of the Planning obligations or requirements referred to in Resolution (1) above not being secured and/or not secured within 6 months that the Chief Planning Officer be authorised to refuse the application on appropriate grounds.**