

Consultee Comments for Planning Application DC/20/04630

Application Summary

Application Number: DC/20/04630

Address: Land West Of Wattisfield Road Walsham Le Willows Suffolk

Proposal: Application under S73 of Town and County Planning Act for approved DC/19/04273 dated 19/02/2020 - to vary Condition 2 (approved plans and documents) to facilitate increase in affordable provision from 21 to 31. Twin garage omitted and provision of sheds in rear gardens with amended fence/gate positions to plots 29 and 30. Updated site plan to show omission of twin garage and the alteration of tenure types from Market to Affordable to plots 27, 28 , 29, 30, 37, 38, 54, 55, 56 and 57. As per drawings and documents submitted 17/10/2020.

Case Officer: Alex Scott

Consultee Details

Name: Mr Kevin Boardley

Address: Willow Cottage, The Street, Walsham Le Willows Bury St Edmunds, Suffolk IP31 3AA

Email: Not Available

On Behalf Of: Walsham-Le-Willows Parish Clerk

Comments

The Parish Council Were in Support of this Application

Your Ref:DC/20/04630
Our Ref: SCC/CON/4215/20
Date: 22 October 2020
Highways Enquiries to: Highways.DevelopmentControl@suffolk.gov.uk



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

Email: planning@babberghmidsuffolk.gov.uk

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

For the attention of: Alex Scott - MSDC

Dear Alex Scott - MSDC

TOWN AND COUNTRY PLANNING ACT 1990

CONSULTATION RETURN: DC/20/04630

PROPOSAL: Application under S73 of Town and County Planning Act for approved DC/19/04273 dated 19/02/2020 - to vary Condition 2 (approved plans and documents) to facilitate increase in affordable provision from 21 to 31. Twin garage omitted and provision of sheds in rear gardens with amended fence/gate positions to plots 29 and 30. Updated site plan to show omission of twin garage and the alteration of tenure types from Market to Affordable to plots 27, 28, 29, 30, 37, 38, 54, 55, 56 and 57. As per drawings and documents submitted 17/10/2020.

LOCATION: Land West Of, Wattisfield Road Walsham Le Willows Suffolk

ROAD CLASS:

Notice is hereby given that the County Council as Highway Authority make the following comments:

I confirm that in highway terms there is no objection to the revisions proposed and there is no impact on the highway.

Yours sincerely,

Martin Egan

Highways Development Management Engineer

Growth, Highways and Infrastructure

From: BMSDC Local Plan <localplan@baberghmidsuffolk.gov.uk>
Sent: 09 November 2020 10:18
To: BMSDC Planning Area Team Yellow <planningyellow@baberghmidsuffolk.gov.uk>
Subject: RE: DC/20/04630 - Land West of Wattisfield Road, Walsham Le Willows

Good Morning

Strategic Planning Policy will not be commenting on this application.

Kind Regards

Strategic Planning Policy
Email: localplan@baberghmidsuffolk.gov.uk
Council Services: 0300 123 4000 option 5 then 4
Web: www.babergh.gov.uk & www.midsuffolk.gov.uk

MID SUFFOLK DISTRICT COUNCIL

MEMORANDUM

To: Alex Scott – Planning Officer

From: Louise Barker – Acting Strategic Housing Team Manager

Date: 10th November 2020

Subject: Application under S73 of Town and County Planning Act for approved DC/19/04273 dated 19/02/2020 - to vary Condition 2 (approved plans and documents) to facilitate increase in affordable provision from 21 to 31. Twin garage omitted and provision of sheds in rear gardens with amended fence/gate positions to plots 29 and 30. Updated site plan to show omission of twin garage and the alteration of tenure types from Market to Affordable to plots 27, 28, 29, 30, 37, 38, 54, 55, 56 and 57. As per drawings and documents submitted 17/10/2020.

Location: Land West Of, Wattisfield Road, Walsham Le Willows, Suffolk

Planning Consultation Response:

This application is proposing an additional 10 shared ownership dwellings which are shown on the accompanying site plan as two and three bedroomed homes. We support this additional provision of 10 affordable dwellings. The Registered Provider is required to enter into a nominations agreement for the affordable homes on this site.

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

From: Infrastructure Team (Babergh Mid Suffolk) <Infrastructure@baberghmidsuffolk.gov.uk>
Sent: 26 October 2020 09:34
To: BMSDC Planning Area Team Yellow <planningyellow@baberghmidsuffolk.gov.uk>
Cc: Infrastructure Team (Babergh Mid Suffolk) <Infrastructure@baberghmidsuffolk.gov.uk>
Subject: MSDC Planning Consultation Request - DC/20/04630

Good Morning,

Re DC/20/04630

This development site lies within the high value zone for MSDC CIL Charging and would, if granted planning permission, be subject to CIL at a rate of £115m² (subject to indexation). The Developer should ensure they understand their duties in relation to compliance with the CIL Regulations 2010 (as amended). Guidance is available as a pre-application service and via information within the CIL webpages.

As this application is a Section 73 we would abate any CIL payments that have been previously made.

Please be aware that a CIL liability notice will not be produced until the Reserved Matters is granted.

Kind Regards,

Richard Kendrew
Infrastructure Officer
Babergh District & Mid Suffolk District Council – Working Together
01449 724563
www.babergh.gov.uk & www.midsuffolk.gov.uk

Committee Report

Item No:

Reference: 1352/17

Case Officer: Elizabeth Thomas

Ward: Rickinghall & Walsham.

Ward Member/s: Cllr Jessica Fleming. Cllr Derek Osborne.

Description of Development

Outline application with all matters reserved except access for the erection of up to 60 dwellings

Location

Land West of Wattisfield Road, Walsham-Le-Willows IP31 3BD

Parish: Walsham-Le-Willows

Site Area: 2.80ha

Conservation Area: no

Listed Building: no

Received: 05/04/2017

Expiry Date: 31/03/2018 on EOT

Application Type: OUT - Outline Planning Application

Development Type: Major Small Scale - Dwellings

Environmental Impact Assessment:

Applicant: New Hall Properties (Eastern) Ltd

DOCUMENTS SUBMITTED FOR CONSIDERATION

The application, plans and documents submitted by the Agent can be viewed online at www.midsuffolk.gov.uk.

PART ONE – REASON FOR REFERENCE TO COMMITTEE

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

It is a “Major” application for:

- a residential development for 15 or more dwellings.
-

PART TWO – APPLICATION BACKGROUND

History

There is no specific planning history in relation to this site per se. However, it is important to highlight the Council also has a live application pending consideration (DC/17/02783 – Land opposite Broad Meadow, Walsham le Willows), which is proposed to be located the opposite side of Wattisfield Road (east) and seeks outline planning permission with all matters reserved for up to 22 dwellings. This live pending application is a material consideration in this case.

Furthermore, the existing development at Broad Meadow (south/east of the application site in question) was granted under applications 1137/87, 0336/86/OL and 0269/09, which again are material considerations in this case, although they are more historic decisions due to the developments established pattern and form of development, it forms part of the immediate character in this case for consideration.

All Policies Identified as Relevant

The proposal has been assessed with regard to adopted development plan policies, the National Planning Policy Framework and all other material considerations. Highlighted local and national policies are listed below. Detailed assessment of policies in relation to the recommendation and issues highlighted in this case will be carried out within the assessment.

Details of Previous Committee / Resolutions and any member site visit

None

Details of any Pre Application Advice

None

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

Walsham-le-Willows Parish Council

Comments 16th May 2017

Strongly objects to the proposal on the following grounds:

- Increased traffic will impact on the village. The road is a country lane. The traffic survey is flawed and misleading
- Add pressure to school places, which is not able to expand needing to travel further
- Pressure on local doctors
- Outline application and insufficient information to assess

Comments 13th and 15th May 2017

In summary, strongly objects.

The PC undertook a housing needs survey in 2015 to establish the views of the local community a need for affordable housing scheme was identified. Walsham Le Willows is a primary village with facilities getting fewer. It is likely most people will use the car for journeys. Traffic will increase and the road is narrow. Comments have also been made to footways. The school will struggle to cope with the increase of pupils. Protecting wildlife habitats need to be protected a more in depth biodiversity/ecology survey is requested. Concerns raised with regard to sewage works on Badwell Road. Doctors surgeries will be affected as a result of the development.

The consultation process for such a major development is considered inadequate, there has been no public consultation with the village community regarding this development, the PC are trying to arrange a meeting with the developer to take input from the village residents. Request for the case to go to planning committee and for a site meeting be undertaken.

Comments 9th June 2017

Walsham-le-Willows parish council object to the proposal and recommend the following grounds for refusal:

- The proposal does not meet the definition of sustainable development as set out in the NPPF with regard to prematurity
- Contrary to MSDC policy CS2
- The illustrative masterplan does not meet the needs of the local community. It will do little to build strong responsive and competitive economy in the village and would create isolated development on the periphery
- Fails to demonstrate economic well-being and enhancement of Walsham-le-Willows
- Unable to demonstrate footpath
- Implications of granting consent would go beyond Walsham-le-Willows
- School has no further capacity to absorb growth
- Need more information on biodiversity/ecology survey to be carried out
- The Neighbourhood plan will address capacity issues. The application should not be granted permission until work on the Neighbourhood Plan is further advanced. The application should go before planning committee and that a site meeting is undertaken

Comments 18th Sept 2017

No further comment.

Housing Enabling Officer (Strategic Housing)

The proposal triggers affordable housing requirement under Policy H4 of the Mid-Suffolk Local Plan. It is recommended that there is a broad mix of open market housing on this scheme incorporating the majority of units as 1, 2 and 3 bedroom with a much smaller element of 4+bedrooms to reflect this trend.

Environmental Health (contamination)

No objection with regard to land contamination. However, it is the responsibility of the developer to inform if contamination is found.

Archaeology

The site sits within area of archaeological potential. There are no grounds to consider refusal. In order to achieve preservation in situ of any important heritage assets before damage or destroyed conditions have been recommended.

Rights of way and access team (PROW)

As a result of anticipated increase use SCC may seek contribution for improvements to the network to be submitted with Highways response in due course.

No objection recommended informative to be added.

Arboricultural Officer

The main features potentially affected by this proposal are a native hedgerow and mature oak tree along the northern boundary of the site. These need to be incorporated within a layout design and provided with appropriate space and protection, if so no objection in principle.

Natural England

Comments 4th May 2017

No comments to make on this application.

Natural England standing advice can be used to assess impacts on protected species you may also wish to consult ecology services.

Lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes.

Suffolk Fire and Rescue

Fire hydrants are recommended to be installed within this development on a sustainable route for laying hose. Currently, it is not possible to determine the number of fire hydrants required for firefighting purposes. The requirements would be determined at the water planning stages when site plans have been submitted by the water companies. Proper consideration also needs to be given to the sprinkler system. Consultation should be made with the Water Authorities to determine flow rates in all cases.

Further comments 2nd May 2017

Adequate provision is required for fire hydrants, by the imposition of a suitable planning condition. Fire hydrants are to be installed retrospectively on major developments if the Fire Authority is not consulted at the initial stages of planning to include within the S106.

NHS England (Primary Healthcare provision incorporating West Suffolk Clinical Commissioning Group)

The development is not of a size and nature that would attract a specific Section 106 planning obligation.

The proposal for 60 dwellings due to its likely impacts on primary healthcare provision, specifically with regard to catchment of development, therefore, the impacts are expected to be assessed and mitigated by CIL.

Travel Plan Officer

Any response in regard to the Travel Plan element of the highway mitigation will form part of the formal SCC highways response to comply with the overarching principles of Travel Plans and Transport Assessments section of the 2014 PPG and internal protocol.

Highways England

Offer no objection.

Highways

Latest highways comments 12th Oct 2017

Further drawings and supporting evidence in relation to a footway along Wattisfield Road from the application site to link with the existing footway to the south of Mill Close have been provided. The additional work demonstrates that a footway can be provided utilising existing highway land whilst maintaining a suitable road width. Therefore, the initial highways objections have been overcome. It is accepted the proposed new footway will vary in width due to the availability of land, but it will generally be wider than the existing footways to the south.

The Highway Authority does not approve all the proposed design details as shown on submitted Drawing, Number 1860-06 Revision A, but is content that precise details can be agreed at the reserved matters stage. On this basis a suitable condition will be recommended for this outline application such that the application may now be supported in highway terms.

Following conditions recommended:

- Highway improvements
- Vehicular access
- Details of estate roads and footpaths
- footways serving that dwelling have been constructed
- HGV traffic movements
- manoeuvring and parking of vehicles
- visibility splays
- (Informative) works within the public highway
- (Informative) Public utility apparatus
- (Informative) recommend developers enter into formal agreement with the Highways Authority under Section 38 of the Highways Act (1980)

The Suffolk County Council Highways Development Management Engineer has re-checked the Submitted Transport Assessment, and confirms in an email dated 29/01/2018 the traffic counts and speed surveys were carried out in the week before half term holidays, and has no further comment.

SCC Planning Obligations Officer

The requirement being sought here would be requested through CIL and therefore would meet the new legal test.

- Education contribution - £424,434.00
- Pre-school contributions £36,546.00
- Consideration needs to be given to adequate play space provision
- Transport – requirements would be dealt with via planning conditions and Section 106 agreement as appropriate and infrastructure delivered to adoptable standards via Section 38 and Section 278.
- Libraries - £12,960.00
- Waste - £0
- Supported housing – expectation that a proportion of the housing and/or land use to be allocated for housing with care for older people
- Sustainable Drainage Systems within major development scheme (10 dwellings or more) should be provided unless demonstrated to be inappropriate. Relevant flood authority on the management of surface water
- Archaeology – to refer to archaeology officer comments
- Fire Service – early consideration is to be given to access for fire vehicles and provision of water for fire-fighting.
- Superfast broadband – recommended that all development is equipped with high speed broadband (fibre optic), line speeds should be greater than 30Mbps using a fibre base broadband solution rather than exchange based connections.

Further comments 3rd November 2017

The CIL contributions already requested in the response of 10th May 2017 are still valid. The second letter raises the cumulative impact with another application for 22 dwellings. As the joint LP consultation has now commenced this is an update relating to primary school provision.

Again no surplus places at the catchment primary school and the school cannot expand within its current site the forecast to have no surplus places, the 15 primary pupils arising from this development need to be considered along with the second undetermined application for planning permission generating a further 6 primary school pupils.

The County cannot guarantee that all pupils from the development will be able to find a place at the catchment primary school. Consequently the % of out of catchment pupils has been considered. The latest census data for Walsham-le-Willows from May 2017 states 138 pupils on roll and of these 41 pupils were out of catchment. Therefore, the school admission policy and make additional provision is applied. In the short-term there would be an unsustainable school patters, but overtime the out of catchment school patterns is expected to work its way through via applying the admissions policy.

The primary school is not the catchment school and the County council will be required to fund school transport costs arising which are estimated at £750 per annum per pupil. The policy is that we will provide transport when a child under 8 years of age and lives more than 2 miles from their nearest or catchment school and for those who are 8 and over 3 miles. However, the catchment school has no surplus places available the next nearest primary school is 3 miles away. A total cost of £51,000 will arise in terms of additional school transport costs due to no surplus places being available at the catchment Primary school this will be covered by a planning obligation (s106).

Landscape comments (Place Services)

The proposal would have an impact on the landscape. Should the application be approved the following is recommended:

- Transition between existing residential areas and proposed development needs to be explored in great detail, to provide suitable levels of screening and the appropriate specification of planting to address character or the surrounding landscape. The illustrative masterplan fails to achieve this.
- Landscape Impact Assessment (LIA) will be required, which is to include mitigation measures including viewpoints from the PROW's and surrounding settlements
- In conjunction with the LIA a Landscape Strategy should be produced to inform and influence any detailed landscape design on site, which also needs to include landscaping to be reinforced and retain existing planting within the site.

The proposal sets out how an appropriate and connected green infrastructure responds to the layout through the attenuation pond as part of SuDS. However, as these as any proposal develop a greater level of detail will be required to make the development compliment the rural character of the village. Including views from different perspectives, and the response to tree and hedge planting to provide the adequate screening of the development from surrounding fields and existing settlements, currently, the design and access statement is not detailed enough.

The site is within the Ancient Plateau Claylands landscape character type in accordance with the Suffolk Landscape Character Assessment. Some of the key considerations are flat or gently rolling arable landscape dissected by small river valleys, field pattern of ancient enclosure, loosely clustered villages, scattered ancient woodland parcels and hedgerow with hedgerow trees.

The development would need to take account of the key characteristics to ensure the development sensitively integrates to prevent negative visual effect. The landscape plan will need to provide comprehensive vision for the site to show how it can respond to the surrounding landscape.

Ecology (Place Services)

No objection subject to condition to secure ecological mitigation and enhancement measures:

There is now sufficient ecological information available to understand the likely impacts of development on Protected Species i.e. Gt crested newts and bats, Priority habitats e.g. hedgerows and Priority species e.g. hedgehog, hare & farmland birds such as skylark and lapwing.

Suffolk Wildlife Trust

Comments 30/01/2018

Further to our letter of 25th July 2017, we note the proposed provision of the land for skylark habitat compensation to the north of the application site (drawing ref. MH647-03 Rev A). We consider that this addresses our comments made in relation to this species, subject to the provision being secured for the life of the development (should permission be granted). The rest of our comments remain as per comments of the 25th July 2017.

Comments 25/07/2017

Bats are present in the area. The masterplan shows buffering of the northern boundary vegetation along with new planting on the western boundary, no new planting along the southern or eastern boundaries. The absence of such landscaping means failure to buffer the existing boundaries and to maximise the sites potential for bats. No evidence of great crested newts.

Comments 18/05/2017

Objection, Further survey work for great crested newts and bats are required in order to inform of the likely impacts of the proposed development on these species and to identify any necessary mitigation measures. Such surveys do not appear to accompany this application.

In the absence of this, it is not possible to fully identify the likely impacts of the proposed development on identified protected species. In accordance with ODOM Circular 06/2005 this information must be available prior to the determination of this application.

Furthermore, it addition habitat for hedgehogs and skylarks is necessary. The ecology assessment does not appear to consider potential impacts on and mitigation for these species. Further information is needed. Currently the proposal fails to demonstrate that it will not result in adverse impact on protected species.

SCC waste management services

No objection subject to condition.

Suffolk Constabulary (Designing out crime)

Not enough information to comment on the proposal being outline

Has provided recommendations to be taken into consideration at the reserved matters stage. Mid-Suffolk Core Strategy 2008 (updated in 2012) at section 1 para 1.19 refers to safe communities. Section 17 outlines the responsibilities placed on local authorities to prevent crime and dis-order.

Anglian Water

There are no assets owned by Anglian Water or those subject to an adoption agreement within the site development boundary.

The catchment area of Badwell Ash will have capacity for foul drainage. The sewerage system at present has available capacity for these flows. If the developer wishes to connect to Anglian Water sewerage they should serve a notice under Section 106 of the Water Industry Act 1991.

Anglian Water is unable to provide comment on the suitability of the surface water management as it does not relate to Anglian Water operated assets. The LPA are advised to seek advice from the LLFA or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into the watercourse, should the proposed method of surface water management change Anglian Water request to be re-consulted.

Suffolk County Flood and Water Management

Comments 19th May 2017

Approval subject to the following recommended surface water drainage conditions:

- Surface water drainage scheme in accordance with the approved FRA
- Dimensioned plans and drawings
- Infiltration testing
- If infiltration is not possible than modelling shall be submitted to demonstrate surface water runoff
- Modelling of the surface water drainage scheme to show attenuation/infiltration features will contain the 1 in 100 year rainfall
- Modelling of the surface water conveyance network in the 1 in 30 year rainfall event to show no above ground flooding and modelling of the volumes of any above ground flooding from the pipe network in a 1 in 100 year climate change rainfall event, along with topographic plans showing where the water will flow and be stored to ensure no flooding of buildings or offsite flows.
- Topographical plans
- Scheme implemented as approved
- Concurrent with the first reserved matter application(s) details
- No occupation until Sustainable Urban Drainage System components and piped networks have been submitted to and approved in writing by the LPA and the inclusion on the LLFA risk asset register
- Construction surface water management plan
- (Informative) works to watercourse, discharge to watercourse or groundwater and discharge of surface water to a watercourse that drains into an Internal Drainage Board catchment maybe subject to payment

Heritage team

The conservation area of Walsham le Willows is focused on the historic core of the village. The proposal is not considered to alter the historic core or relationship of the village conservation area with its surrounding landscape. The proposal is not considered to represent harmful impact on the character or appearance of the Conservation Area or on the settings of the listed buildings near Wattisfield Road.

Viability

Comments 25th Jan 2018

The Viability officer has provided additional comments through undertaking a more detailed review of the New Hall viability report. It is considered the scheme is viable and can afford the following contributions:

1. 20% affordable housing
2. CIL contribution of £648,485
3. S278 - £175,000
4. School bus £51,000

Comments 18th Dec 2017

Detailed information has been provided on build costs, sales values and abnormal costs. 20% provision is the maximum amount for affordable housing that could be provided in order for the scheme to remain viable in accordance with national guidance.

B: Representations

There have been a number of objection/comment representations received raising the following planning matters/concerns:

More housing not needed and infrastructure not in place to accommodate increase in population
School cannot expand and close to capacity
Loss of open space and views affecting the character of the area and house value
Limited services and facilities
Hazard access and increase in traffic and parking
Increase in noise levels
Increase in speeding along roads creating danger
Sewage treatment operation not able to cope
Residential amenity issues
No footpath leading into the village
Light pollution from new development
Ecology survey is incorrect; there are protected species in the vicinity irrespective of it being a arable field
Hedgerow under threat from development of land and habitats lost
Protect species numbers have fallen and the development will block their access routes
The proposal will be outside the boundary
Erode the character of the village
Broadband speeds are poor in the area
It is understood of the housing needs across the country, but impacts need to be considered
Building on greenfield land
Increase in congestion and pollution
The development is too large
Flood issues could be apparent for the village and the sewerage system cannot cope
Disagree with the transport statement and question the knowledge of MTC's Engineers
Access for emergency vehicles
Village survey suggests only need a further 15 additional new homes
Lack of infrastructure and development is outside the village boundary
Question the validity of the application
Potentially not all land belongs to the highway and may belong to other private properties

PART THREE – ASSESSMENT OF APPLICATION

UPDATE

This application was deferred at the 14th March 2018 planning committee. Members of the committee requested further information from SCC highways authority with regard to the specifics on the route north through the village and pull together all relevant facts on the traffic generation and impact of this development. It was also requested for a SCC highways office to attend the next planning committee.

Since this request the SCC highways authority have provided a further email statement dated 3rd April 2018 informing of the following (in summary):

- **The Transport Statement is appropriate for this scale of development. SCC highways would only consider a more detailed Transport Assessment for a scheme of this size where there may be significant highway issues.**

- The cumulative impact of 58 vehicles an hour is not 'severe' particularly when considered against the low level baseline traffic.
- The likelihood of significant numbers of vehicles using Wattisfield Road instead of the wider, straighter more direct Summer Road to access the A143 is considered low. Also, the volume of traffic going north (Bury St Edmunds, Diss) would (based on census data) for destination be presumed to be less than heading south (Bury St Edmunds, Stowmarket, Ipswich).
- With regard to footways providing a suitable condition is included in the planning permission a scheme can be delivered. The details of footway layout would be agreed as part of the S278 agreement based on the indicative plans.

The additional detailed email from SCC highways has been attached to this bundle to view. Officers are still supportive of the scheme and should members choose to refuse the proposal at committee on the 9th May 2018 members must be made aware SCC highways authority would not support the Local Planning Authority on this application going forward.

From an assessment of relevant planning policy and guidance, representations received, the planning designations and other material issues the main planning considerations considered relevant to this case are set out including the reason/s for the decision, any alternative options considered and rejected. Where a decision is taken under a specific express authorisation, the names of any Member of the Council or local government body who has declared a conflict of interest are recorded.

During this application process the case officer has changed and additional information has been provided to overcome some of the consultation responses issues raised, which have been addressed within this report.

1. The Site and Surroundings

1.1 The site in question is currently open countryside and approx. 2.80ha of agricultural land (grade 3). The site contains a natural enclosure from the wider open countryside due to the existing mature hedges and trees that surround the site to the north/west. There is also a public footpath that runs along the north western edges of the site, which would help to naturally include the site with the existing southern built form. It has been acknowledged on the Illustrative/Indicative masterplan for the existing tree and hedgerow belt to be retained and enhanced, which is also accompanied with an off-site habitat enhancement area.

1.2 The site is adjacent to the settlement boundary of Walsham-le-Willows, which is a designated primary village in accordance with Policy CS1 of the adopted Mid-Suffolk Core Strategy (2008), and is known as a Core Village in the emerging Babergh & Mid-Suffolk Joint Local Plan. The site in question is allocated (site ref SS0040) as a potential development site in accordance with the Babergh & Mid Suffolk Joint Local Plan: Consultation Draft – August 2017 (page 304). However, no weight can be given to this document for Development Management purposes due to the document being at the very early stages of the plan-led process, which is at Planning Policy stage Regulation 18 consultation. However, what this does show is the very early stages of draft strategic thinking for potential allocations in this area.

1.3 Walsham-le-Willows being a primary village some basic local services can be found to meet local Needs, affordable housing is appropriate in this case and school provision will be addressed later in this report.

2. The Proposal

2.1 This proposal seeks outline planning permission with all matters reserved except for access for the erection of up to 60 new dwellings. The proposal also includes affordable housing, open space and landscaping in accordance with the submitted design and access statement. The development is also to provide a new footway link. The proposal would be accessed via Wattisfield Road, which leads into the village to the south and out to the countryside to the north. The proposal triggers 20% affordable housing requirement. This could equate up to 12 affordable units (20% of 60 = 12).

3. National Planning Policy Framework

3.1. The National Planning Policy Framework (NPPF) contains the Government's planning policies for England and sets out how these are expected to be applied. Planning law continues to require that applications for planning permission are determined in accordance with the Development Plan unless material considerations indicate otherwise. The policies contained within the NPPF are a material consideration and should be taken into account for decision-making purposes.

3.2. The following parts of the NPPF are considered to be applicable to this proposal.

NPPF section 01: Building a strong competitive economy
NPPF section 03: Supporting a prosperous rural economy
NPPF section 04: Promoting sustainable transport
NPPF section 05: Supporting high quality communications infrastructure
NPPF section 06: Delivering a wide choice of high quality home
NPPF section 07: Requiring good design
NPPF section 08: Promoting healthy communities
NPPF section 10: Meeting the challenge of climate change, flooding and coastal change
NPPF section 11: Conserving and enhancing the natural environment
NPPF section 12: Conserving and enhancing the historic environment

4. Core Strategy

4.1. The following parts of the Core Strategy Focused Review 2012 are considered to be applicable to the scheme:

FC01 - Presumption In Favour of Sustainable Development
FC01_1 - Mid Suffolk Approach to Delivering Sustainable Development
FC02 - Provision and Distribution of Housing

4.2. The following parts of the Core Strategy 2008 are considered to be applicable to this scheme:

CS01 - Settlement Hierarchy
CS02 - Development in the Countryside & Countryside Villages
CS04 - Adapting to Climate Change
CS05 - Mid Suffolk's Environment
CS06 - Services and Infrastructure
CS09 - Density and Mix

5. Neighbourhood Plan/Supplementary Planning Documents/Area Action Plan

5.1. There is currently no neighbourhood plan for Walsham le Willows or the parish of Rickingham & Walsham, where this site is located.

5.2 There is a Village Design Statement for Walsham le Willows (2007)

5.3 An initial Joint Local Plan consultation has been undertaken back in August 2017 which was for the early stages of consultation Regulation 18.

6. Saved Policies in the Local Plans

6.1. The following parts of the Mid-Suffolk Local Plan 1998 are considered to be applicable to this scheme:

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
CS04 - Adapting to Climate Change
CS05 - Mid Suffolk's Environment
CS06 - Services and Infrastructure
CS09 - Density and Mix
GP01 - Design and layout of development
SB02 - Development appropriate to its setting
HB14 - Ensuring archaeological remains are not destroyed
HB13 - Protecting Ancient Monuments
HB14 - Ensuring archaeological remains are not destroyed
H07 - Restricting housing development unrelated to needs of countryside
H04- Altered Policy H4
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
CL11 - Retaining high quality agricultural land
T09 - Parking Standards
T10 - Highway Considerations in Development
RT12 - Footpaths and Bridleways
GP01 - Design and layout of development
HB14 - Ensuring archaeological remains are not destroyed
GP01 - Design and layout of development
CS04 - Adapting to Climate Change
CS09 - Density and Mix
CS01 - Settlement Hierarchy
CS02 - Development in the Countryside & Countryside Villages
FC02 - Provision and Distribution of Housing
CS04 - Adapting to Climate Change
CL08 - Protecting wildlife habitats
RT04 - Amenity open space and play areas within residential development
HB01 - Protection of historic buildings
H07 - Restricting housing development unrelated to needs of countryside

7. The Principle of Development

7.1 The site is located outside the defined settlement boundary although adjacent to it in accordance with the Inset proposal map 84 of the Mid-Suffolk Local Plan (1998). The Council acknowledges that it is unable to demonstrate a five year supply of deliverable housing land within the Mid-Suffolk district, as required by paragraph 47 of the National Planning Policy Framework (NPPF), currently the Mid-Suffolk land supply sits at 3.9 years in accordance with the AMR (2016-2017). Therefore, paragraph 14 and 49 of the NPPF apply and are invoked in the decision-making process, as the Supreme Court Judgement (Suffolk Coastal District Council (Appellant) v Hopkins Homes Ltd and another (Respondents) Richborough Estates Partnerships LLP and another (Respondents) v Cheshire East Borough Council (Appellant)) is relevant in confirming that a shortfall in housing land supply triggers the second part of paragraph 14 (NPPF). This means the proposal should be considered in the context of the presumption in favour of sustainable development, for the purposes of decision-making, granting planning permission unless the adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF, taken as a whole. As such, this report focuses on a balanced assessment between any harms and any benefits of the proposal to conclude a sound recommendation.

7.2 It is also important to highlight the aforementioned judgement confirms that the narrow interpretation should be used in establishing whether a policy relates to the supply of housing. The narrow interpretation states: *limited to policies dealing only with the numbers and distribution of new housing, and excluding any other policies of the development plan dealing generally with the disposition or restriction of new development in the authority's area.* It is fair to say not all Mid-Suffolk's local housing policies should be considered out-of-date as they are not all specific to housing numbers and distribution. It is considered a matter of planning judgement for the decision-maker to have regard to the amount of weight attributed to such policies in their decision-making, and in this case whilst consideration has been given to Mid-Suffolk's local housing policies CS1, CS2 and FC2 in the first instance, paragraph 14 and 49 of the NPPF have been given full weight, with the absence of a full 5-year land supply.

8. Sustainability Assessment of Proposal

8.1 The NPPF (Para 187) provides that local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

8.2 Concerns have been raised through the consultation process regarding the location of the proposal site outside the designated settlement boundary and being contrary to saved local plan policies, in reviewing all local policies (specifically Mid-Suffolk housing policies CS1, CS2 and FC2), national policies and all material considerations in this case. It is evident the Council are unable to demonstrate a 5-year housing land supply (para 47, NPPF) and as such local plan policies receive less weight allowing the NPPF to receive more weight in the decision-making process, specifically having regard to para 14 and 49 of the NPPF.

8.3 Refusing the application solely based on the development being outside the development boundary and on greenfield land does not accord with the NPPF, which seeks to consider the sustainability of the development in relation to the environmental, social and economic roles of sustainability to be sought jointly through the planning system.

8.4 The proposal has highlighted (as assessed further below in this report) the development would give rise to some issues, such as design & layout, highways/footways/transportation, archaeology, ecology/landscape, and the assessment of cumulative impacts.

8.5 However, it is clear this application has addressed certain matters to satisfy this outline proposal and the rest of the detailed matters could be overcome and mitigated via conditions, CIL and s106

agreement, and despite the proposal being located in the countryside outside the development boundary, but adjacent to it, the proposal when assessed as a whole is considered to represent a sustainable development due to its significant benefits from a social and economic perspective, which outweighs any modest harm to the environmental aspects.

8.6 In addition, although accessibility to services and facilities are considered less than those of a main town or key service centre (KSC) the site is positioned adjacent to a designated primary village in accordance with Policy CS1 and as such, is higher up the settlement hierarchy (just below a KSC) and capable of limited growth that needs to be established. As identified earlier in this report currently the Council does not have a 5 year housing land supply and the allocation for sites is in the early stages of the plan-led process. Therefore, although this application could be considered premature and speculative, due to the local policy position this is not a reason for refusal as all cases have to be determined on their own merits.

8.7 Therefore, this proposal is not considered to have any significant harmful cumulative impacts that would override the significant benefits this proposal would create. For the reasons set out and comprehensively assessed this proposal is considered to comply with all relevant local and national policies and is considered to represent a sustainable development subject to imposed conditions, CIL and s106 agreement in the context of the NPPF and is therefore recommended for approval.

8.8 The main matters pertinent to this proposal and assessed below are:

9. Indicative design, layout, archaeology and heritage
10. Landscape (inc; trees and hedgerows), ecology and biodiversity impact
11. Environmental Impacts – pollution/contaminated land, drainage and flooding matters
12. Highways including access consideration
13. Impact on Residential amenity
14. Other matters/third party representations
15. Viability
16. Planning obligations (s106) and CIL

9. Indicative design, layout, archaeology & heritage

9.1 Paragraph 56 of the NPPF states that good design is a key aspect of sustainable development; it should contribute positively to making places better for people. Decisions should aim to ensure that development will function well and add to the overall quality of the area and create a strong sense of place. Furthermore, it provides that development should respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or stifling appropriate innovation. The NPPF goes on to state it is “proper to seek to promote or reinforce local distinctiveness” (para 60) and permission should be “refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions” (Para 64). In addition, Local Policy CS5 provides that “All development will maintain and enhance the environment, including the historic environment, and retain the local distinctiveness of the area” and echoes the provisions of the NPPF.

9.2 The Illustrative/indicative layout identifies how the site could accommodate up to 60 new dwellings, subject to appropriate design detail being agreed at reserved matters stage. The consultation process has clearly highlighted the design and layout of the site will be determined by relevant statutory consultees being satisfied at reserved matters stage to reach a comprehensive successful scheme. The Illustrative/indicative proposal identifies any such scheme at reserved matters stage will ensure efficient use of the land, which will accord with the provisions of the NPPF.

9.3 The consultation responses show the Highways Authority and Suffolk Constabulary, with regard to parking areas, car ports, garages (surveillance) do not fully support the indicative design and layout and recommendations for improvement have been made to be sought at the reserved matters stage. Also, the public rights of way team (PROW) may seek contribution for improvements to the network. The waste management service has informed consideration needs to be given for 26tonne dustcart and the suitability of the surface and manoeuvrability along with appropriate wheeled bin locations. The fire and rescue service require fire hydrants to be installed within the development on a sustainable route for laying hose, which can be determined at the water planning stages submitted via the water companies, and also consideration will need to be given to the sprinkler system. The planning obligations officer has identified consideration needs to be given to adequate play space provision, care for older people, sustainable drainage systems, superfast broadband via fibre optic.

9.4 The strategic housing officer has identified the 2014 Suffolk Housing Needs Survey shows there is a high demand for smaller homes across all tenures. Affordability issues are a key driver for this increased demand for smaller homes. As such, the strategic housing officer has set out requirements within their consultation responses that will be dealt with at reserved matters stage.

9.5 The site is known to sit within an area of archaeological potential and as such any artefact(s) found are to be preserved in situ of any important heritage assets before damage or destroyed, as such relevant conditions will be applied. The heritage team have informed the conservation area of Walsham-le-Willows is focused on the historic core of the village and as such the proposal is not considered to alter the historic core or relationship of the village conservation area with its surrounding landscape. Furthermore, the proposal is not considered to have any harmful impact on the character or appearance of the conservation area or listed buildings. In my opinion, subject to satisfactory reserved matters proposal is considered to comply with Local Plan Policies GP01, HB01, HB14, H13, H15 and Section 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

10. Landscape (inc; trees and hedgerows), ecology and biodiversity Impact

10.1 Paragraph 58 of the NPPF states that proposals should provide appropriate landscaping to ensure that they integrate well into the surrounding locality and this requirement is repeated in one of the requirements of Mid-Suffolk local policy H13. Also, Policy CS5 seeks to protect and conserve landscape qualities taking into account the natural environment and the historical dimensions 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.

10.2 The landscape in question is not designated in any way and it not subject to the protection afforded in the NPPF. However, the site is situated within the countryside and is still important to protect and enhance appropriately in accordance with Section 11 of the NPPF. But, also in accordance with the Suffolk Landscape Character Assessment the site is within the Ancient Plateau Claylands landscape character type. This means the area is characterises by flat or gently rolling arable landscape dissected by small river valleys, field pattern of ancient enclosure, loosely clustered villages, scattered ancient woodland parcels and hedgerow with hedgerow trees all of which needs to be taken into account at the details stage.

10.3 Given the scale of the proposal it is inevitable any scheme would have an impact on the landscape and would change the existing appearance to a significant degree. Therefore, at reserved matters stage the scheme would need to take account of the Landscape officer advice and recommendations to ensure new development sensitively integrates to prevent negative visual effect. Comprehensive vision of the site will need to be demonstrated from the surrounding landscape.

10.4 The native hedgerow and mature oak tree along the northern boundary of the site could be potentially affected. Therefore, it is recommended these existing natural aspects that form part of the character of the area will need to be incorporated within a layout design and provided with appropriate space and protection. The indicative submitted layout shows how the existing tree and hedgerow belt along the northern and western boundaries of the site can be retained and enhanced as part of the proposal.

10.5 Natural England has not provided any comprehensive comments, but has noted the proposal is unlikely to cause any significant impacts on the conservation area or landscape.

10.6 Originally the Ecology officer and the Suffolk Wildlife Trust objected to the proposal as there was a lack of survey work with regard to protected species. However, additional survey work has been provided and is considered satisfactory. The latest comments from the ecology officer informs the additional information identifies protected species are absent from the water bodies and sufficient ecological information to understand priority habitats e.g. hedgerows and Priority species e.g. hedgehog, hare & farmland birds such as skylark and lapwing. It is considered that a suitable scheme could be provided in accordance with relevant Local Plan Policies at reserved matters stage. Relevant conditions are recommended and will be imposed.

10.7 The Suffolk Wildlife Trust inform proposed provision for skylark habitat compensation to the north of the application site and is considered to address comments made in relation to species, subject to the provision being secured for the life of the development all other comments remain. It is considered such details can be addressed at reserved matters stage.

11. Environmental Impacts – pollution/contaminated land, drainage and flooding matters

11.1 Paragraph 121 of the NPPF makes clear that planning decisions should make sure that the site is suitable for new use taking account of the hazards of any previous use. The Environmental Health Officer has not raised any objection with the proposal, but has made clear it is the responsibility of the developer to inform if contamination is found. The Suffolk County Flood and Water Management Officer has recommended surface water drainage conditions.

11.2 As previously mentioned earlier in this report the land in question is grade 3 agricultural land that is currently being farmed. Grade 3 land is not the best and most versatile in accordance with paragraph 112 of the NPPF. It is however, fair to say as a result of the proposal there will be a loss of approx 2.80ha of land that is currently used for food production and contributes to the local economy, which its loss will create a negative impact.

11.3 Paragraph 100 of the NPPF makes clear that inappropriate development in areas of flood risk should be avoided by directing development away from areas of high risk. Mid-Suffolk's Local Policy CS4 is in line with the requirements of the NPPF in terms of flood risk and therefore carries significant weight.

11.4 The County flood and water management officer has not raised any objection to the proposal and recommends a number of relevant conditions. Also, Anglian Water have confirmed there are no assets they owned by Anglian Water or those subject to an adoption agreement within the site development boundary. Badwell Ash catchment area has capacity for additional foul drainage. If the developer wishes to connect to Anglian Water sewerage they will need to agree notice via s106. The County flood and water management have been consulted in this case as advised by Anglian Water.

11.5 Having regard to the above, it is considered in terms of flood risk, water supply, drainage and contamination that the scheme can be made acceptable subject to appropriate conditions and s106 to meet the requirements of para 100 of the NPPF and local policy CS4.

12. Highways including access consideration

12.1 Policy T10 of the Mid-Suffolk Local Plan requires Local Planning Authorities to consider a number of highway matters when determining planning applications, including; the provision of safe access, the safe and free flow of traffic and pedestrian safety, safe capacity of the road network and the provision of adequate parking and turning for vehicles. Policy T9 supplements policy T10, requiring proposals to provide areas of parking and manoeuvring in accordance with the parking standards adopted by the district. Paragraph 32 of the NPPF confirms that development should only be prevented or refused on transport grounds where the residential cumulative impacts or development are severe.

12.2 The original comments of the highway officer was to refuse the proposal with regard to no footway links, and that the design creates the reliance on the private car and reduced access visibility for some properties. Since these comments additional information has been provided in relation to addressing these issues insofar as it has been demonstrated the application site is to link with existing footway to the south of Mill Close, which can be provided utilising existing highways land, whilst maintaining a suitable road width. Which has been sufficient for the highways officer to remove their objections, in addition the highways officer accepts the proposed new foot way would vary in width due to the availability of land, but it would generally be wider than the existing footways to the south. The highway officer has also informed they do not approve all the proposed design detail as shown on drawing number 1860-06 Rev A of the additional information submitted on the 17th August 2017, but is satisfied the details can be addressed and agreed at the reserved matters stage. The highways officer has recommended relevant conditions that would be imposed on the decision.

12.3 Some third-party objection representations have been received with regard to road dangers and speeding, as identified above statutory related highway matters have and can be over come via the reserved matters application. It is also important to note there is a 30mph speed limit restriction in place along Wattisfield Road up towards the north of the application. Also the Parish Council have raised concerns that they feel the traffic survey was undertaken within the school half-term week. The agent has provided additional information to the case officer through a series of three emails dated the 25th January 2018. The additional information shows. The highways survey (undertaken by Road Data Services and included in the MTC's transport statement) was checked against the dates of the Walsham-Le-Willows CEVCP school holiday dates. The speed survey was undertaken between the 3rd February 2017 and the 9th February 2017. These dates are written on the speed data sheets which can be found at appendix 2 of the transport statement. According to the Primary school website the half-term week was the week commencing the 13th February. The agent has also explained the equipment used to undertake the survey work was left on site during half term week following conclusion of the survey, which may help explain the concerns for the Parish Council.

12.4 County transportation costs with regard to primary school provisions for the additional school pupils have been covered in the planning obligations and CIL section of this report. Transportation requirements would be dealt with via planning conditions and s106 as appropriate and infrastructure delivery to adoptable standards via Section 38 and Section 278.

13. Impact on Residential Amenity

13.1 Policies within the Mid-Suffolk local plan such as H13 and H16 (amongst other matters) require that development does not materially or detrimentally affect the amenities of the occupiers of neighbouring properties or future occupiers. This requirement is also in line with the NPPF core values (para 17), to seek good standard of amenity for all existing and future occupants of land and buildings.

13.2 This proposal is in indicative outline form to show an indication for up to 60 new dwellings could be accommodated on the site. However, the detail of such scheme are not being approved as part of this application, which only focuses on the principle of residential use and access all other matters are to be assessed at the subsequent reserved matters stage.

13.3 It is considered a scheme could be designed to prevent any significant impacts on residential amenity. The consultee responses have highlighted a number of factors that will need to be considered into the final design and layout of the proposal, which in-turn will determine the appropriate number of dwellings that can be successfully achieved on the site for amenity issues to be considered. Some third party objection representations have raised concerns that the proposal would increase noise. It is inevitable the proposal would create further noise through the construction of the proposal and the change in use of the land to residential. However, these types of matters are not considered significant enough to justify refusal, as construction is a short-term matter whilst the dwellings are being built and the residential scheme is for ordinary private residential use the same as the adjacent existing properties to the south and east of the site. Furthermore, there have also been matters with regard to light pollution made, again the quantum of development proposed will increase light, but the reserved matters application is to ensure the proposed detail does not significantly impact on existing and future occupier amenity.

13.4 If permission is granted a condition can be imposed requesting that the applicant enters into a construction management agreement with the Council to safeguard the living conditions of the surrounding occupiers.

14. Other matters/third Party Representations

14.1 A number of third party comments have been made strongly objecting to this proposal. The parish council does not consider the development to be sustainable for a number of reasons, in summary matters such as (not sustainable, contrary to policy CS2, not meet the needs of the local community or wellbeing, traffic issues, footpath issues, outside boundary, school capacity issues, lack of info re ecology/biodiversity, premature of the Neighbourhood plan) have been raised. These matters raised have been addressed within this report and as highlighted within the principle of development section of this report (section 7) and the sustainability assessment (section 8) due to the policy position of the council not having a 5-year housing land supply, the council can not just refuse a proposal because it is outside the development boundary. Also, an application cannot be delayed for a neighbourhood plan to be put in place. All applications have to be assessed on their own merits at the time they are submitted and an assessment of any significant and demonstrable harms needs to be made, which this report has undertaken.

14.2 Furthermore, the parish council also feel the development has not had adequate public consultation or engagement with the village community and that the developer has not met with the community to have early engagement prior to any application being submitted. Pro-active and early engagement with the Council and local community is always encouraged by the Council prior to any major application being submitted. However, this is not a statutory requirement and therefore not all agents/developers choose to do this, and this cannot be used as a reason to refuse permission if the merits of the case are acceptable.

14.3 Access for emergency vehicles will be a consideration at reserved matters stage along with the design and layout taking account for refuse vehicles for waste collection.

14.4 A number of third party representations have been received, summarised and addressed within this committee report.

15. Viability

15.1 Paragraphs 159 and 173 of the NPPF inform in order for pursuing sustainable development careful attention to viability needs to be made to ensure the development is deliverable, which directly links to paragraph 47 of the NPPF.

15.2 The viability officer has undertaken a detailed review of the submitted New Hall viability report, which provides information on build costs, sales values and abnormal costs. It is concluded the scheme is viable and can afford the following contributions:

1. 20% affordable housing
2. CIL contribution of £648,485
3. S278 - £175,000
4. School bus £51,000

16. Planning Obligations and CIL

16.1 The Community Infrastructure Levy is a tool for local authorities in England and Wales to help deliver infrastructure to support the development of the area.

16.2 Mid-Suffolk District Council adopted a CIL Charging Schedule on 21st January 2016 and started charging CIL on planning permissions granted from 11th April 2016. Mid-Suffolk are required by Regulation 123 to publish a list of infrastructure projects or types of infrastructure that it intends will be, or may be, wholly or partly funded by CIL.

16.3 The development is likely to have an impact of the NHS finding programme for the delivery of primary healthcare provision within this area and specifically health catchment of the development. Therefore a developer contribution will be sought via CIL towards the capital funding to increase capacity within the GP Catchment Area. The proposal is not of a size and nature to attract a specific s106.

16.4 Due to the anticipated increase the County Council may seek contribution for improvements to the to the rights of way network. The additional highways response has made clear the further drawings and supporting evidence in relation to footways along Wattisfield Road will link with the existing footways to the south of Mill Close satisfactory.

16.5 In this case the SCC Planning Obligations Officer has advised the following is capable of being funded by CIL rather than planning obligations:

- Provision of library facilities £12,960
- Provision of additional pre-school £36,546
- Provision of primary school places £182,715
- Provision of secondary school £201,905
- Provision of secondary, sixth form £39,814
- Provision of waste infrastructure £0

16.6 The SCC Planning Obligations Officer has made clear the school is at capacity, but adjustments in catchment will catch up and SCC has not sought a contribution for a new school. Transportation costs could be a CIL matter of the SCC were to sought.

16.7 The development seeks to secure 20% affordable housing and accords with the Altered Local Policy H4. The mix and tenure will be secured through the Reserved Matters application and through the S106 agreement.

16.8 In accordance with the Community Infrastructure Levy Regulations, 2010, the obligations recommended to be secured by way of a planning obligation deed are (a) necessary to make the Development acceptable in planning terms (b) directly related to the Development and (c) fairly and reasonably relate in scale and kind to the Development.

17. Details of Financial Benefits / Implications (S155 Housing and Planning Act 2016)

17.1. The development will lead to:

- Council Tax payments from the dwellings when built
- Planning Delivery Grant from Central Government for delivering the dwellings
- CIL calculated at reserved matters stage

PART FOUR – CONCLUSION

18. Statement Required By Article 35 of The Town and Country Planning (Development Management Procedure) Order 2015.

18.1. When determining planning applications The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires Local Planning Authorities to explain how, in dealing with the application they have worked with the applicant to resolve any problems or issues arising.

18.2. In this case the Officers have worked with the agent to resolve main issues relating to highways and ecology.

19. Planning Balance

19.1. The Council accepts that it cannot demonstrate a five year housing land supply in the district, as required by the NPPF. Relevant local policies for the supply of housing receive less weight due to this, and the fact that the majority of local policies are pre-NPPF, but also some local housing policies directly relate to numbers and distribution of housing, which the Supreme Court Judgement confirms in accordance with the narrow interpretation policies receive less weight and a shortfall in housing land supply triggers the second part of paragraph 14. Therefore, a balanced assessment between any harms and any benefits of the proposal has been undertaken.

19.2 Officers conclude that specific policies do not indicate development should be restricted. Therefore, the proposal should proceed to be determined in accordance with the presumption in favour of sustainable development.

19.3 The design and layout to be established at reserved matters stage is to take reference from the existing Broad Meadow development south/east of the site and take account of relevant statutory consultation recommendations as highlighted in this report. In this case, existing surrounding dense development contributes to the areas characteristics.

19.4 The assessment has identified the proposal did raise highway issues, with regard to footway links, design that creates the reliance on the private car and the reduced visibility for some properties. However, since these issues were identified through the consultation process. The agent has sought to address the matters through submitting additional relevant information, and has now addressed any previous significant harms arising and as such the highways officer has removed their objection further details will be sought via condition and s106.

19.5 The cumulative impacts of additional primary school pupils and the logistics that are in connection with this have also been considered in combination with the additional pending application (DC/17/02783) for up to 22 dwellings the opposite side of Wattisfield Road.

19.6 It is also noted the proposal would create the loss of agricultural land currently used for food production, which contributes to the economy. However, the loss of approx. 2.80ha of grade 3 land is not considered significantly harmful, when weighed against the benefits of the scheme. Furthermore, all other environmental matters with regard to ecology, and the hedgerows and trees can be effectively managed and mitigated via conditions. In addition, a scheme for up to 60 dwellings (including 20% affordable homes) would generate more for the economy and social aspect in the long and short term in comparison to the agricultural land use. The report also highlights the proposal would not cause any significant impacts to the conservation area. Although the site is within an area of archaeological potential relevant conditions can address this aspect.

19.7 Having considered all social, economic and environmental matters in this case it is considered the significant benefits for up to 60 new dwellings on the site adjacent to the settlement boundary in close proximity to existing dwellings and in a location where there is a housing shortfall would outweigh any modest harms the development may create. The application is therefore recommended for approval as the benefits of this proposal considerably outweigh any modest harm.

RECOMMENDATION

(1) Subject to the prior agreement of a Section 106 Planning Obligation on appropriate terms to the satisfaction of the Corporate Manager – Planning for Growth to secure:

- Secure 20% affordable units including mix and tenure
- Infrastructure improvements (£51,000 school transportation costs)

(2) That the Corporate Manager – Planning for Growth be authorised to grant Outline Planning Permission subject to conditions and Informatives including:

- Standard time limit
- Submission of reserved matters
- Location and phasing of the affordable housing units
- Details of materials
- Land contamination
- Footways to be provided along Wattisfield Road
- Vehicular access
- Details of estate roads and footpaths
- footways serving that dwelling have been constructed
- HGV traffic movements
- manoeuvring and parking of vehicles
- visibility splays
- under Section 38 of the Highways Act (1980) relating to the construction and subsequent adoption of Estate Roads.
- Implementation of a programme of archaeological work (in accordance with a Written Scheme of Investigation)
- No building occupied until the site archaeological investigation and post investigation assessment is completed
- Appropriate protections for existing trees and hedgrows

- Fire hydrants to be installed
 - Landscaping scheme concurrent with reserved matters and including tree protection measures
 - Implementation of landscaping scheme
 - School transportation costs
 - Compliance with recommendations of submitted ecological reports
 - Ecological design strategy
 - Prior to occupation: Lighting design scheme
 - Bin presentation points
 - Surface water drainage scheme to agree and fully implemented as approved
 - Sustainable Urban Drainage System
 - Construction surface water management plan detailing surface water and storm water
 - Construction management plan/agreement – Residential amenity
 - Play Space Provision
- (3) That in the event of the Planning obligations referred to in Resolution (1) above not being secured that the Corporate Manager – Planning for Growth be authorised to refuse planning permission on appropriate grounds.

Philip Isbell - Corporate Manager
Growth & Sustainable Planning

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

Website: www.midsuffolk.gov.uk



OUTLINE PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)
ORDER 2015

Correspondence Address:

New Hall Properties (Eastern) Ltd
The North Wing
Ingatestone Hall
Hall Lane
Ingatestone
CM4 9NS

Applicant:

New Hall Properties (Eastern) Ltd
The North Wing
Ingatestone Hall
Hall Lane
Ingatestone
CM4 9NS

Date Application Received: 05-Apr-17

Application Reference: 1352/17

Date Registered: 06-Apr-17

Proposal & Location of Development:

Outline application with all matters reserved except access for the erection of up to 60 dwellings

Land West Of, Wattisfield Road, Walsham Le Willows, Bury St Edmunds Suffolk IP31 3BD

Section A – Plans & Documents:

This decision refers to drawing no./entitled 17.338-P-201 Red line location plan received 05/04/2017 as the defined red line plan with the site shown edged red. Any other drawing showing land edged red whether as part of another document or as a separate plan/drawing has not been accepted or treated as the defined application site for the purposes of this decision.

The plans and documents recorded below are those upon which this decision has been reached:

Defined Red Line Plan 17.338-P-201 Red line location plan - Received 05/04/2017
Site Location Plan NC_17.338-P-200 REV A Indicative masterplan sh - Received 05/04/2017
Environmental Report MH 647-03 REV A Biodiversity enhancement - Received 29/06/2017
Site Plan 1860-06 REV A MTC Footway provision - Received 17/08/2017

Section B:

Mid Suffolk District Council as Local Planning Authority, hereby give notice that **OUTLINE PLANNING PERMISSION HAS BEEN GRANTED** in accordance with the application particulars and plans listed in section A subject to the following conditions:

1. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: TIME LIMIT FOR RESERVED MATTERS APPLICATION

Application for approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission, and the development must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates the final approval of the last such matter to be approved.

Reason - Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

2. ACTION REQUIRED PRIOR TO COMMENCEMENT OF WORKS: PRE-COMMENCEMENT CONDITION: APPROVAL OF RESERVED MATTERS

Before any development is commenced, approval of the details of the appearance, scale and layout of the building(s), the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained in writing from the Local Planning Authority.

Reason - To enable the Local Planning Authority to secure an orderly and well designed development in accordance with the character and appearance of the neighbourhood and in accordance with the Development Plan. This condition is required to be agreed prior to the commencement of any development in accordance with proper planning principles to allow public engagement on the outstanding reserved matters and ensure no significant adverse harm results.

3. ACTION REQUIRED PRIOR TO COMMENCEMENT OF WORKS: PRE-COMMENCEMENT CONDITION: APPROVAL OF LOCATION AND PHASING OF AFFORDABLE HOUSING DEVELOPMENT

Before any development is commenced, and concurrently with the submission of reserved matters referred to in Conditions 2 above, the location and phasing of the 35% affordable housing units shall be submitted to the Local Planning Authority for approval.

Reason - To enable the Local Planning Authority to secure an orderly and well-designed development provided in appropriate phases to ensure minimal detriment to residential amenity, the environment and highway safety prior to the commencement of such development.

4. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: AGREEMENT OF MATERIALS

No development/works shall be commenced above slab level until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction have been submitted to and approved, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development and fully applied prior to the first use/occupation.

Reason - To secure an orderly and well designed finish sympathetic to the character of the existing building(s) and in the interests of visual amenity and the character and appearance of the area.

5. ACTION REQUIRED FOOTWAY

Before any new dwelling is first occupied a footway is to be provided along Wattisfield Road from the application site to link with the existing footway to the south of Mill Close. The footway shall be provided in accordance with layout and design details that shall be submitted to and approved by the Local Planning Authority. Thereafter it shall be retained in the approved form.

Reason: In order to provide a safe pedestrian route from the application site to the existing footway network for new residents to access the village amenities. Local Plan Policies T10, T11 and T12.

6. ACTION VEHICULAR ACCESS

The new vehicular access shall be laid out and completed in all respects in accordance with Drawing No. 1860-06 Rev A as submitted; and with an entrance width of 5.5 metres and made available for use prior to first occupation of any dwelling. Thereafter the access shall be retained in the specified form.

Reason: To ensure that the access is designed and constructed to an appropriate specification and made available for use at an appropriate time in the interests of highway safety.

7. ACTION DETAILS OF ESTATE ROADS AND FOOTPATHS

Before the development is commenced, details of the estate roads and footpaths, (including layout, levels, gradients, surfacing and means of surface water drainage), shall be submitted to and approved in writing by the Local Planning Authority.

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

8. ACTION FOOTWAYS & CARRIAGWAYS SERVING DWELLINGS

No dwelling shall be occupied until the carriageways and footways serving that dwelling have been constructed to at least Binder course level or better in accordance with the approved details except with the written agreement of the Local Planning Authority.

Reason: To ensure that satisfactory access is provided for the safety of residents and the public.

9. ACTION HGV TRAFFIC MOVEMENTS

All HGV traffic movements to and from the site over the duration of the construction period shall be subject to a Deliveries Management Plan which shall be submitted to the planning authority for approval a minimum of 28 days before any deliveries of materials commence.

No HGV movements shall be permitted to and from the site other than in accordance with the routes defined in the Plan.

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

Reason: To reduce and / or remove as far as is reasonably possible the effects of HGV traffic in sensitive areas.

10. ACTION MANOEUVRING & PARKING OF VEHICLES

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

Reason: To ensure the provision and long term maintenance of adequate on-site space for the parking and manoeuvring of vehicles, where on-street parking and manoeuvring would be detrimental to highway safety.

11. ACTION VISIBILITY SPLAYS

Before the access is first used visibility splays shall be provided in accordance with details previously approved in writing by the Local Planning Authority and thereafter shall be retained in the approved form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 1995 no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

Reason: To ensure vehicles exiting the drive would have sufficient visibility to enter the public highway safely, and vehicles on the public highway would have sufficient warning of a vehicle emerging to take avoiding action.

12. ACTION REQUIRED ARCHAEOLOGICAL - WRITTEN SCHEME OF INVESTIGATION

No development shall take place within the area indicated [the whole site] until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority.

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

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

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Core Strategy Objective SO 4 of Mid Suffolk District Council Core Strategy Development Plan Document (2008), Local Plan Policy HB14 and the National Planning Policy Framework (2012).

13. ACTION REQUIRED SAFEGUARD ARCHAEOLOGICAL ASSETS

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

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Core Strategy Objective SO 4 of Mid Suffolk District Council Core Strategy Development Plan Document (2008), Local Plan Policy HB14 and the National Planning Policy Framework (2012).

14. ACTION LANDSCAPING & PROTECTIONS FOR EXISTING TREES AND HEDGROWS

The existing native trees (inc mature Oak tree), shrubs and hedges along the northern boundary and all other boundaries of the site shall be retained as part of the design and layout of the reserved matters proposal and afforded appropriate space and protection during the development except as may be necessary to be removed or alter to comply with the requirements of any other conditions of this permission. Should the boundary trees, shrubs and hedges be removed without such consent and/or prior to the commencement of development, it shall be restored with plant/s of appropriate size and species during the first planting season following commencement of development or removal.

Reason - To enable existing landscaping to be protected and retained in the interests of visual amenity.

15. ACTION REQUIRED IN ACCORDANCE PRIOR TO OCCUPATION: FIRE HYDRANTS

Prior to the first occupation of the site, details of the provision of fire hydrants shall be submitted to and approved, in writing, by the Local Planning Authority. The fire hydrants shall be carried out in accordance with these details in their entirety and in accordance with the timetable as may be agreed.

Reason - To ensure the site is suitably served by fire hydrants.

16. ACTION REQUIRED SURFACE WATER DRAINAGE FLOW PATHS

Concurrent with the first reserved matters application(s) a surface water drainage scheme shall be submitted to, and approved in writing by, the local planning authority. The scheme shall be in accordance with the approved FRA and include:

- a. Dimensioned plans and drawings of the surface water drainage scheme;
- b. If the use of infiltration is not possible then modelling shall be submitted to demonstrate that the surface water runoff will be restricted to Q_{bar} or 2l/s/ha for all events up to the critical 1 in 100 year rainfall events including climate change as specified in the FRA;
- c. Modelling of the surface water drainage scheme to show that the attenuation/infiltration features will contain the 1 in 100 year rainfall event including climate change;
- d. Modelling of the surface water conveyance network in the 1 in 30 year rainfall event to show no above ground flooding, and modelling of the volumes of any above ground flooding from the pipe network in a 1 in 100 year climate change rainfall event, along with topographic plans showing where the water will flow and be stored to ensure no flooding of buildings or offsite flows;
- e. Topographical plans depicting all exceedance flowpaths and demonstration that the flows would not flood buildings or flow offsite, and if they are to be directed to the surface water drainage system then the potential additional rates and volumes of surface water must be included within the modelling of the surface water system;

The scheme shall be fully implemented as approved.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development. Section 10 of the NPPF

17. ACTION SURFACE WATER DRAINAGE SCHEME

The Surface water drainage scheme shall be implemented as approved

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development.

18. ACTION REQUIRED SURFACE WATER DRAINAGE

Concurrent with the first reserved matters application(s) details of the implementation, maintenance and management of the surface water drainage scheme shall be submitted to and approved in writing by the local planning authority. The strategy shall be implemented and thereafter managed and maintained in accordance with the approved details.

Reason: To ensure clear arrangements are in place for ongoing operation and maintenance of the disposal of surface water drainage

19. ACTION REQUIRED SUSTAINABLE URBAN DRAINAGE SYSTEM

The development hereby permitted shall not be occupied until details of all Sustainable Urban Drainage System components and piped networks have been submitted, in an approved form, to and approved in writing by the Local Planning Authority for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.

Reason: To ensure all flood risk assets and their owners are recorded onto the LLFA's statutory flood risk asset register as per s21 of the Flood and Water Management Act. Section 10 of the NPPF

20. ACTION REQUIRED CONSTRUCTION SURFACE WATER MANAGEMENT PLAN

No development shall commence until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction is submitted to and agreed in writing by the local planning authority. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan.

Reason: To ensure the development does not cause increased pollution of the watercourse in line with the River Basin Management Plan. Section 10 of the NPPF

21. ACTION REQUIRED PRIOR TO THE COMMENCEMENT OF DEVELOPMENT: CONSTRUCTION MANAGEMENT TO BE AGREED

Prior to the commencement of development details of the construction methodology shall be submitted to and approved in writing by the Local Planning Authority and shall incorporate the following information:-

- a) Details of the hours of work/construction of the development within which such operations shall take place and the hours within which delivery/collection of materials for the said construction shall take place at the site.
- b) Details of the storage of construction materials on site, including details of their siting and maximum storage height.
- c) Details of how construction and worker traffic and parking shall be managed.
- d) Details of any protection measures for footpaths surrounding the site.
- e) Details of any means of access to the site during construction.
- f) Details of the scheduled timing/phasing of development for the overall construction period.
- g) Details of any wheel washing to be undertaken, management and location it is intended to take place.
- h) Details of the siting of any on site compounds and portaloos.
- i) Details of the method of any demolition to take place, including the recycling and disposal of said materials resulting from demolition. The construction shall at all times be undertaken in accordance with the agreed methodology approved in writing by the Local Planning Authority.

Reason - To minimise detriment to nearby residential and general amenity by controlling the construction process to achieve the approved development. This condition is required to be agreed prior to the commencement of any development as any construction process, including site preparation, by reason of the location and scale of development may result adverse harm on amenity.

22. ON GOING CONSTRUCTION -HOURS OF WORK

Intrusive work during the construction of the development must take place between the following hours:

Monday to Friday between 08:00hrs and 18:00hrs
Saturday between 09:00hrs and 13:00hrs

No work to be undertaken on Sunday, bank or public holidays

The above is to apply to deliveries to.

Reason - to minimise detriment to nearby residential amenity in the short-term, Local Plan Policy H16

23. ACTION REQUIRED PLAY SPACE PROVISION

Adequate play space provision must be provided for at the reserved matters stage. Consideration should be given to 'Play Matters: A Strategy for Suffolk', which will advise of the vision for providing more open space where children and young people can play. Matters such as variety of supervised and unsupervised places for play, attractive, welcoming, engaging and accessible design, safe and interesting places and safe routes and accessibility for all will need to be taken into consideration

Reason: To ensure compliance with Local policy and guidance and to create quality of place.

24. CONCURRENT WITH RESERVED MATTERS: COMPLIANCE WITH RECOMMENDATIONS OF SUBMITTED ECOLOGICAL REPORTS

All ecological mitigation measures and/or works shall be carried out in accordance with the details contained in the Extended Phase 1 Habitat Survey report (t4ecology, June 2017) and Bat survey report (Robson Ecology, June 2017) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Reason: To allow the LPA to discharge its duties under the UK Conservation of Habitats and species Regulations (2010, as amended), the Wildlife & Countryside Act 1981 as amended and S40 of the NERC Act 2006 (Priority habitats & species)

25. CONCURRENT WITH RESERVED MATTERS: ECOLOGICAL DESIGN STRATEGY

No development shall take place until an ecological design strategy (EDS) addressing the ecological enhancements identified on the Preliminary Enhancement Strategy (t4ecology, June 2017) has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:

- a) Purpose and conservation objectives for the proposed works
- b) Review of site potential and constraints
- c) Detailed design(s) and/or working method(s) to achieve stated objectives
- d) Extent and location/area of proposed works on appropriate scale maps and plans
- e) Type and source of materials to be used where appropriate e.g. native species of local provenance
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development
- g) Persons responsible for implementing the works
- h) Details of initial aftercare and long-term maintenance
- i) Details for monitoring and remedial measures
- j) Details for disposal of any wastes arising from works

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To all the LPA to discharge its duties under the UK Conservation of Habitats and Species regulations (2010, as amended), the Wildlife & Countryside Act (1981, as amended) and s40 of the NERC Act 2006 (Priority habitats & species)

26. ACTION REQUIRED LIGHTING AND DESIGN SCHEME PRIOR TO OCCUPATION

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

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

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

27. ON GOING REQUIREMENT FOR DEVELOPMENT: REFUSE BINS AND COLLECTION AREAS

The area/s to be provided for storage of Refuse/Recycling bins as shown on the approved drawings shall be provided in its entirety before the development hereby approved is brought into first use/occupation and shall be retained thereafter for no other purpose.

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

SUMMARY OF POLICIES WHICH ARE RELEVANT TO THE DECISION:

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
CS04 - Adapting to Climate Change
CS05 - Mid Suffolk's Environment
CS06 - Services and Infrastructure
CS09 - Density and Mix
GP01 - Design and layout of development
SB02 - Development appropriate to its setting
HB14 - Ensuring archaeological remains are not destroyed
HB13 - Protecting Ancient Monuments
HB14 - Ensuring archaeological remains are not destroyed
H07 - Restricting housing development unrelated to needs of countryside
H04- Altered Policy H4

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
CL11 - Retaining high quality agricultural land
T09 - Parking Standards
T10 - Highway Considerations in Development
RT04 - Amenity open space and play areas within residential development
RT12 - Footpaths and Bridleways
GP01 - Design and layout of development
CS04 - Adapting to Climate Change
CS09 - Density and Mix
CS01 - Settlement Hierarchy
CS02 - Development in the Countryside & Countryside Villages
FC01 - Presumption In Favour Of Sustainable Development
FC01_1 - Mid Suffolk Approach To Delivering Sustainable Development
FC02 - Provision And Distribution Of Housing
CS04 - Adapting to Climate Change
CL08 - Protecting wildlife habitats
RT04 - Amenity open space and play areas within residential development
HB01 - Protection of historic buildings
H07 - Restricting housing development unrelated to needs of countryside
GP01 - Design and layout of development
HB01 - Protection of historic buildings
HB14 - Ensuring archaeological remains are not destroyed

NOTES:

1. NOTE works within the public highway
It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the Highway Authority. Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing all works within the public highway shall be carried out by the County Council or its agents at the applicant's expense. The County Council's Central Area Manager must be contacted on Telephone: 01473 341414. Further information go to: <https://www.suffolk.gov.uk/roads-and-transport/parking/apply-for-a-dropped-kerb/>

A fee is payable to the Highway Authority for the assessment and inspection of both new vehicular crossing access works and improvements deemed necessary to existing vehicular crossings due to proposed development.

2. NOTE public utility apparatus
Public Utility apparatus may be affected by this proposal. The appropriate utility service should be contacted to reach agreement on any necessary alterations which have to be carried out at the expense of the developer. Those that appear to be affected are all utilities.

3. NOTE section 38 of the highway act (1980) relating to estate roads
The Local Planning Authority recommends that developers of housing estates should enter into formal agreement with the Highway Authority under Section 38 of the Highways Act 1980 relating to the construction and subsequent adoption of Estate Roads.

4. NOTE street lighting system
The existing street lighting system may be affected by this proposal. The applicant must contact the Street Lighting Engineer of Suffolk County Council, telephone 01284 758859, in order to agree any necessary alterations/additions to be carried out at the expense of the developer.

5. NOTE public highway specifications
The works within the public highway will be required to be designed and constructed in accordance with the County Council's specification. The applicant will also be required to enter into a legal agreement under the provisions of Section 278 of the Highways Act 1980 relating to the construction and subsequent adoption of the highway improvements. Amongst other things the Agreement will cover the specification of the highway works, safety audit procedures, construction and supervision and inspection of the works, bonding arrangements, indemnity of the County Council regarding noise insulation and land compensation claims, commuted sums, and changes to the existing street lighting and signing.

6. NOTE archaeology investigation
The submitted scheme of archaeology investigation shall be in accordance with a brief procured beforehand by the developer from Suffolk County Council Archaeological Service, Conservation Team.

7. NOTE unexpected ground conditions
In the event of unexpected ground conditions being encountered during construction the Environmental Health Department must be contacted, and during construction the developer is aware of their responsibilities for the safe development of the site lies with them.

8. NOTE public rights of way
The granting of planning permission is separate to any consents that may be required in relation to public rights of way, including the installation of gates.

9. NOTE watercourse
Any works to a watercourse may require consent under section 23 of the Land Drainage Act 1991
Any discharge to a watercourse or groundwater needs to comply with the Water Environment (Water Framework Directive) (England and Wales) Regulations 2003
Any discharge of surface water to a watercourse that drains into an Internal Drainage Board catchment may be is subject to payment of a surface water developer contribution

Babergh and Mid Suffolk District Councils have adopted Community Infrastructure Levy (CIL) charging which affects planning permissions granted on or after 11th April 2016 and permitted development commenced on or after 11th April 2016. If your development is for the erection of a new building, annex or extension or the change of use of a building over 100sqm in internal area

or the creation of a new dwelling or holiday let of any size your development may be liable to pay CIL and you must submit relevant documents to our Infrastructure Team telling us more about your development, who will pay CIL and when the development will start. You will receive advice on the amount you have to pay and what you have to do and you can find more information about CIL on our websites here:

[CIL in Babergh](#) and [CIL in Mid Suffolk](#) or by contacting the Infrastructure Team on: infrastructure@baberghmidsuffolk.gov.uk

This relates to document reference: 1352/17

Signed: Philip Isbell

Dated: 5th July 2018

**Corporate Manager
Growth & Sustainable Planning**

Important Notes to be read in conjunction with your Decision Notice

Please read carefully

This decision notice refers only to the decision made by the Local Planning Authority under the Town and Country Planning Acts and DOES NOT include any other consent or approval required under enactment, bylaw, order or regulation.

Please note: depending upon what conditions have been attached to the decision, action may be required on your part before you can begin your development. Planning conditions usually require that you write to the Local Planning Authority and obtain confirmation that you have discharged your obligations. You should read your decision notice in detail and make a note of the requirements placed on you by any conditions. **If you proceed with your development without complying with these conditions you may invalidate your permission and put your development at risk.**

Discharging your obligations under a condition:

You should formally apply to discharge your conditions and the relevant application forms are available on the Council's website. The Local Planning Authority has 8 weeks to write to you after you submit the details to discharge your conditions. You should always account for this time in your schedule as the Local Planning Authority cannot guarantee that conditions can be discharged quicker than this. A fee is applicable for the discharge of planning conditions.

Building Control:

You are reminded that the carrying out of building works requires approval under the Building Regulations in many cases as well as a grant of planning permission. If you are in doubt as to whether or not the work, the subject of this planning permission, requires such approval, then you are invited to contact the Building Control Section of Babergh and Mid Suffolk District Councils.

Appeals to the Secretary of State

1. If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission or consent, or to grant permission or consent subject to condition, they may appeal to the Secretary of State for Communities and Local Government. The applicant's right of appeal is in accordance with the appropriate statutory provisions which follow:

Planning Applications: Section 78 Town and Country Planning Act 1990

Listed Building Applications: Section 20 Planning (Listed Buildings and Conservation Areas) Act 1990

Advertisement Applications: Section 78 Town and Country Planning Act 1990
Regulation 15

Town and Country Planning (Control of Advertisements) Regulations 2007

Notice of appeal in the case of applications for advertisement consent must be served within eight weeks of receipt of this notice. Notice of Householder and Minor Commercial Appeals must be served within 12 weeks, in all other cases, notice of appeal must be served within six months of this notice. If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within six months of the date of this notice, whichever period expires earlier.

Appeals must be made on a form which is obtainable from The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or online at <https://www.gov.uk/government/publications/modelnotification-notice-to-be-sent-to-an-applicant-when-permission-is-refused>

The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he/she will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him/her that permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by it, having regard to the statutory requirements*, to the provisions of the Development Order, and to any directions given under the Order. The Secretary of State does not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by him/her.

2. If permission or consent to develop land or carry out works is refused or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State and the owner of the land claims that the land has become incapable of reasonable beneficial use by the carrying out of any development or works which has been or would be permitted they may serve on the Council of the district in which the land is situated, a purchase notice requiring the Council to purchase his interest in the land in accordance with the provisions of Section 137 of the Town and Country Planning Act 1990 or Section 32 Planning (Listed Buildings and Conservation Areas) Act 1990.

*The statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely Sections 70 and 72(1) of the Act.

Committee Report

Item No:

Reference: DC/19/04273

Case Officer: Alex Scott

Ward: Walsham-le-Willows.

Ward Member/s: Cllr Richard Meyer.

RECOMMENDATION – GRANT APPROVAL OF RESERVED MATTERS WITH CONDITIONS

Description of Development

Submission of details under Outline Planning Application 1352/17 - Appearance, Landscaping, Layout and Scale for erection of up to 60 no. dwellings

Location

Land West of, Wattisfield Road, Walsham Le Willows, Suffolk

Expiry Date: 07/02/2020

Application Type: RES - Reserved Matters

Development Type: Major Small Scale - Dwellings

Applicant: Lovell Partnerships

Agent: Saunders Boston Limited

Parish: Walsham Le Willows

Site Area: 2.80ha

Density of Development:

Gross Density (Total Site): 21.4dph

Net Density (Developed Site, excluding open space and SuDs): 29dph

Details of Previous Committee / Resolutions and any member site visit: Outline Planning Permission ref: 1352/17 approved by Committee, subject to conditions, on 9th May 2018.

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

Has the application been subject to Pre-Application Advice: No.

PART ONE – REASON FOR REFERENCE TO COMMITTEE

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

It is a “Major” application for:

- a residential development for 15 or more dwellings.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

NPPF - National Planning Policy Framework
FC01 - Presumption In Favour Of Sustainable Development
FC01_1 - Mid Suffolk Approach To Delivering Sustainable Development
FC02 - Provision And Distribution Of Housing
CS01 - Settlement Hierarchy
CS02 - Development in the Countryside & Countryside Villages
CS03 - Reduce Contributions to Climate Change
CS04 - Adapting to Climate Change
CS05 - Mid Suffolk's Environment
CS06 - Services and Infrastructure
CS09 - Density and Mix
GP01 - Design and layout of development
HB14 - Ensuring archaeological remains are not destroyed
H07 - Restricting housing development unrelated to needs of countryside
H13 - Design and layout of housing development
H15 - Development to reflect local characteristics
H16 - Protecting existing residential amenity
H17 - Keeping residential development away from pollution
CL08 - Protecting wildlife habitats
CL11 - Retaining high quality agricultural land
T02 - Minor Highway improvements
T09 - Parking Standards
T10 - Highway Considerations in Development
T11 - Facilities for pedestrians and cyclists
RT04 - Amenity open space and play areas within residential development
RT12 - Footpaths and Bridleways

Neighbourhood Plan Status

This application site is within a Neighbourhood Plan Area.

The Neighbourhood Plan is currently at:-

Stage 1: Designated neighbourhood area

Accordingly, the Neighbourhood Plan has Little weight.

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)

Walsham Le Willows Parish Council – 12th Oct. 2019 – Object:

- 1) Lack of play area (Nearest 1.2km away)
- 2) Deliverability of pedestrian link along Wattisfield Road
- 3) Parking Spaces insufficient
- 4) Weak and repetitive building design

Walsham Le Willows Parish Council – 13th Dec. 2019 – Object:

- 1) Fencing/screening to all boundaries should be completed as part of Phase I rather than Phase II;
- 2) Clarification should be provided on the provision of streetlighting and the impact this would have on nearby residents and the environment;
- 3) Maintain objections with regards proposed quality of design and ask that this is addressed;
- 4) Footpath and Road Issues.

National Consultee (Appendix 4)

Highways England – 20th Sept. 2019 – Offer no objection – This proposal is unlikely to have a severe impact upon the Strategic Road Network.

Highways England – 8th Oct. 2019 – Offer no objection – This proposal is unlikely to have a severe impact upon the Strategic Road Network.

Highways England – 13th Dec. 2019 – Offer no objection – Highways Act Section 175B is not relevant to this application – This development is a little way from the Strategic Road Network and is therefore unlikely to have a severe impact.

Natural England – 25th Sept. 2019 – Have no comments to make on this application.

Natural England – 4th Oct. 2019 – Have no comments to make on this application.

Natural England – 10th Dec. 2019 – Have no comments to make on this application.

Natural England – 17th Dec. 2019 – Have no comments to make on this application.

Anglian Water – 2nd Oct.2019 – Water Recycling Centre has available capacity for projected flows.

Anglian Water – 17th Oct. 2019 – Water Recycling Centre does not have capacity to treat flows – AW are obligated to accept the foul flows from the development with the benefit of planning consent and would take the necessary steps to ensure that there is sufficient treatment capacity should permission be granted.

Anglian Water – 5th Dec. 2019 – Preferred method of surface water disposal would be to an on-site SuDs with connection to mains sewer as last option – The proposed method of surface water discharge does not relate to Anglian Water asset(s) – advise LPA should consult the LLFA and Environment Agency.

NHS – West Suffolk – 15th Oct. 2019 – There are 2 GP practices within close proximity of the proposed development – These practices do not have sufficient capacity for the additional growth resulting from this development and cumulatively with other development growth in the area – Developer contribution via CIL, therefore required.

NHS – West Suffolk – 12th Dec. 2019 – Refer to previous response sent as this is still relevant.

Environment Agency – 16th Oct. 2019 – No significant constraints in the area – No comments to make on the application.

County Council Responses (Appendix 5)

SCC-Highways – 2nd October 2019 – Recommend Refusal:

- 1) Centre line of access moved 4 metres to south – Hedge to adjacent property may now restrict available visibility – Proposal should demonstrate this is not the case
- 2) Part of site needs to be widened onto Wattisfield Road – Layout needs to be adjusted to suit
- 3) Pedestrian crossings on either side of new access, with corresponding dropped kerbs required
- 4) North-east corner crossing points required
- 5) Restricted junction visibility between plots 34 and 60 – vehicles parked in layby, plot 60 and garden landscaping
- 6) Footways should extend further and past top of ramp
- 7) Pumping station turning head restriction
- 8) Maintenance access for POS and Lagoon required
- 9) Separation of access between plots 52 and 53
- 10) Bollards to be removed from adoptable areas
- 11) Driveways to be 6m long – Plots 29, 30, 36, 40 and 60 are not.
- 12) Parking spaces should be 3.1 metres between walls or fences – Plots 19, 20, 48, 49, 51 and 52 need adjusting

SCC-Highways – 6th Dec. 2019 – Revised layout 0501 Rev. K now considered acceptable in highway terms.

SCC-Travel Plan Officer – 16th Sept. 2019 – No comment – rural location and size of development do not meet threshold for Travel Plan requirement.

SCC-Travel Plan Officer – 26th Sept. 2019 – No further comments to add from response dated 16th September 2019.

SCC-Travel Plan Officer – 4th Dec. 2019 – No further comment to add from previous responses.

SCC-Local Lead Flood Authority – 18th Sept. 2019 – Holding Objection:

- Layout utilises a hybrid SUDs system rather than a full SUDs system – viability required
- Landscaping for SUDs required: 80% hydro seeding fescues or bent grasses and 20% wild flowers
- Demonstration of how attenuation basin will be established prior to utilisation required

SCC-Local Lead Flood Authority – 1st Oct. 2019 – Maintain Holding Objection – The applicant has not addressed the points from the previous consultant reply on the 18th Sept. 2019.

SCC-Local Lead Flood Authority – 6th Dec. 2019 – Maintain Holding Objection – The layout looks to utilise a hybrid SuDs system rather than a full SuDs system that would collect, convey and discharge surface water. A hybrid SuDs system does not offer the full multifunctional benefits – Action required in order to overcome current objection:

- 1) Resubmit the layout utilising a full SuDs system
 - a. If a hybrid SuDs system is to be utilised, then a viability statement is to be submitted to the LPA.

SCC-Local Lead Flood Authority – 15th Jan. 2020 – Density/number of housing and allocation of site for open SuDs features to be decided by the local planning authority.

SCC-Archaeology – 13th Sept. 2019 – All work completed – No further requirements.

SCC-Archaeology – 26th Sept. 2019 – All work completed – No further interest in this site.

SCC-Archaeology – 18th Dec. 2019 – All archaeological works regarding this planning application have been completed.

SCC-Fire Officer – 2nd Oct. 2019 – Have previously made comment - No new comment to be made.

SCC-Fire Officer – 17th Dec. 2019 – Have previously made comment - No new comment to be made.

SCC-Infrastructure – 16th Sept. 2019 – Outline permission ref: 1352/17 subject to obligations dated 05 July 2018 – RES application linked to this.

SCC-Infrastructure – 26th Sept. 2019 – Have no further comments to make in respect of the re-consultation.

SCC-Infrastructure – 9th Dec. 2019 – Have no further comments to make in respect of the re-consultation.

Internal Consultee Responses (Appendix 6)

MSDC – Strategic Planning (Planning Policy) 18th Oct. 2019 – Will not be responding.

Place Services – Landscape 18th Sept. 2019 – Holding Objection:

- 1) Street Trees on Primary Road
- 2) Sectional plans and proposed planting for SUDs features

- 3) Dwellings should front onto footpath to west of site to provide passive surveillance
- 4) Brick Walls rather than close board fences to public realm boundary treatments
- 5) Private gardens should be rectangular and provide 50m² for 1 and 2 bed properties and 100m² for 3+ bed properties
- 6) Pumping station to be screened with soft boundary planting rather than close board fencing
- 7) Soft landscaping to parking courts

Place Services – Landscape 3rd Oct. 2019 – Cannot be supportive of application as it stands and recommend the following amendments to the scheme:

- 1) LEAP or LLAP required within the proposed development;
- 2) Advise layout is amended to provide street trees;
- 3) Sections and plans of SUDS features, including proposed planting, required;
- 4) Softer, more natural approach required around attenuation basin, in lieu of proposed post and rail fence;
- 5) Brick walls, rather than close board fencing to all plot boundaries which face onto the public realm;
- 6) Rectangular shaped gardens advised, with 50m² for 1 and 2 bed properties and 100m² for 3 or more bedroom properties;
- 7) Soft landscaping to pumping station required, in lieu of close board fencing currently proposed;
- 8) Soft landscaping to parking courts advised.

Place Services – Landscape 9th Dec. 2019 – Welcome amendments proposed by maintain holding objection for the following reasons:

- 1) Addition of Local Play Area supported – however recommend a more suitable level of POS within the development is achieved;
- 2) Request more street Trees are provided, especially on the primary road.
- 3) Recommend additional planting within the detention drainage basin;
- 4) Recommend block paving to proposed parking courts;
- 5) Request an amended D&A statement incorporating proposed amendments.

Place Services – Landscape 2nd Jan. 2020 – Content that previous recommendations have been taken into consideration and are therefore satisfied with the application as it stands – No objection subject to suggested conditions.

Place Services-Ecology – 3rd Oct. 2019 - Holding Objection:

- 1) Ecological Design Strategy required
- 2) Object to use of Beech Trees due to soil type (Hornbeam advised)
- 3) Object to Siberian Dogwood which is non-native species (Common Dogwood advised)

Place Services-Ecology – 17th Dec. 2019 – Maintain Holding Objection:

Detailed soft landscaping design and Ecological Design Strategy have yet to be provided for this development to meet the requirements of conditions 2 & 25 secured at outline stage of this application.

MSDC-Land Contamination – 5th Dec. 2019 – No comments to make with respect to the submitted information from the perspective of land contamination.

MSDC-Land Contamination – 17th Dec. 2019 – No comments to make with respect to the submitted documentation from the perspective of land contamination.

MSDC-Sustainability – 30th Sept. 2019 – Following needs to be addressed:

- 1) Energy and resource conservation needs to be addressed
- 2) Electric vehicle charging points to be demonstrated.

MSDC-Sustainability – 12th Dec. 2019 – Previous response is still relevant.

MSDC-Environmental Health – Other Issues – 30th Sept. 2019 – Construction Management Required.

MSDC-Environmental Health – Other Issues – 12th Dec. 2019 – No comments to make – Previous comments re: Construction Management Required should still be noted.

MSDC-Public Realm – 18th Sept. 2019 – Support Rationale behind not providing formal play facilities on site and linking to nearby facilities – Question land ownership and rights of access with regards proposed footpath link – Expect a small toddler play area on the proposed northern open space would benefit the development - concern with regards long walk to existing play area from the site due to continuous housing to western and southern site boundaries – Would expect a local management solution to be put in place to manage the proposed open space as it largely benefits the development and immediate surroundings.

MSDC-Public Realm – 1st Oct. 2019 – Cannot Support the latest revised proposal - Given the clarification from the Wild Wood Trust about the proposed new footpath link to the existing play area, consider it essential that local play provision is included within the proposed development.

MSDC-Public Realm – 12th Dec. 2019 – Welcome the addition of toddler play equipment – wider open space now, however limited.

MSDC-Communities – 7th Oct. 2019 – Support views of MSDC-Public Realm in regard to the inadequacies of the proposed open space/green provision within the application.

MSDC-Communities – 28th Oct. 2019 – Nothing further to previous comments.

MSDC-Communities – 18th Dec. 2019 – Concur with the public realm response dated 12th Dec, stating the need for an increase in wider open space provision within this development.

MSDC-Heritage – 17th Sept. 2019 – Do not wish to offer comment on this application.

MSDC-Heritage – 8th Oct. 2019 – Do not wish to offer comment on this application.

MSDC-Heritage – 19th Dec. 2019 – Do not wish to offer comment on this application.

MSDC-Waste Management Services – 17th Oct. 2019 – No objection – Subject to conditions ensuring a 32 tonne RCV can navigate the site and suitable bin collection points are proposed.

MSDC-Waste Management Services – 17th Dec. 2019 – No objection subject to suitable bin collection points being proposed.

MSDC-Disability Forum – 17th Dec. 2019 – No further comments.

MSDC-Infrastructure – 16th Sept. 2019 – CIL to be charged at £115 per square metre for market dwellings – Affordable dwellings, secured by way of s106 agreement would be exempt from CIL provided that they meet the conditions set out in Reg. 49 of the 2010 CIL Regulations.

MSDC-Infrastructure – 26th Sept. 2019 – Our comments have not changed.

MSDC-Strategic Housing – 2nd Oct. 2019 – Mix appropriate – Clarification on size of properties required (Should meet NDSS) – Adoptable status of proposed private drive also required.

MSDC-Strategic Housing – 17th Dec. 2019 – Previous response unchanged and reiterate point that we require clarification with regards adoptable status of private drive – Not that agent states affordable dwellings would meet NDSS, but clarification required – Also require clarification on tenure.

B: Representations

At the time of writing this report at least 17 letters/emails/online comments have been received. It is the officer opinion that this represents 17 objections. A verbal update shall be provided as necessary.

Views are summarised below:-

- Request that efforts be made for a proportion of dwelling to meet Part M4 of Building Regulations (Access to and use of Buildings);
- Concerns of the safety and eligibility of the proposed footpath;
- Concerns over the aesthetics of the development, and the safety and eligibility of the proposed footpath;
- Concerns over the safety and eligibility of the proposed footpath, and the lack of play area provision;
- Concerns over the safety and eligibility of the proposed footpath, and the limited capacity of the local primary school;
- Concerns over: the safety and eligibility of the proposed footpath, the unattractive aesthetic of the East side of the proposed development, and the limited capacity of the local primary school;
- Concerns over the safety and eligibility of the proposed footpath, and the lack of play area provision;
- Concerns over the safety and eligibility of the proposed footpath;
- Concerns regarding the lack of privacy to existing residents on the Southern Boundary of the development, and the site access;
- Concerns regarding: the safety and eligibility of the proposed footpath, the unattractive aesthetics of the proposed elevations, and the lack of parking on the site.

(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: 1352/17

Outline application with all matters reserved
except access for the erection of up to 60
dwellings

DECISION: GTD
05.07.2018

PART THREE – ASSESSMENT OF APPLICATION

1. The Site and Surroundings

- 1.1. The site in question is currently open countryside and approx. 2.80ha of agricultural land (grade 3). The site contains a natural enclosure from the wider open countryside due to the existing mature hedges and trees that surround the site to the north/west. There is also a public footpath that runs along the north western edges of the site, which would help to naturally include the site with the existing southern built form. The existing tree and hedgerow belt is proposed to be retained and enhanced, as well as off-site habitat enhancement.
- 1.2. The site is adjacent to the settlement boundary of Walsham-le-Willows, which is a designated primary village in accordance with Policy CS1 of the adopted Mid-Suffolk Core Strategy (2008), and is known as a Core Village in the emerging Babergh & Mid-Suffolk Joint Local Plan. Walsham-le-Willows being a primary village, some basic local services can be found to meet local needs.

2. The Proposal

- 2.1. The application is submitted further to outline planning permission ref: 1352/17, granted in July 2018, and seeks approval of reserved matters relating to the Layout, Scale, Appearance and Landscaping of 60 no. dwellings.
- 2.2. The application proposes delivery of 39 market housing units and 21 affordable housing units, as well as well as approximately 0.53 hectares of Public Space and a Local Area for Play (Toddler Play Equipment). The existing Public Right of Way which bounds the northern boundary of the site is proposed to be retained and enhanced landscape planting is proposed. A large surface water attenuation basin is also proposed within the public open space to the north of the site, which would both serve as a Sustainable Surface Water Drainage (SuDs) and amenity feature.
- 2.3. The proposed density of housing development would be approximately 29 dwellings per hectare, with back to back distances of no less than 20.5 metres.
- 2.4. The proposed dwelling heights are broken down as follows:

Market Dwellings

Single Storey Semi-Detached (Bungalows) = 3 no.
Two Storey Detached Dwellings = 22 no.
Two Storey Semi-Detached Dwellings = 14 no.

TOTAL = 39 no.

Affordable Dwellings

Two Storey Semi-Detached = 14 no.
Two Storey Terrace Dwellings = 3 no.
Two Storey Flats Building = 2 no. (Containing 4 no. Flats)
TOTAL = 21 no.

2.5. The proposed bedroom numbers are broken down as follows:

Market Dwellings

1 Bedroom = 0 no.
2 Bedroom = 6 no.
3 Bedroom = 19 no.
4 Bedroom = 10 no.
5 Bedroom = 4 no.

Affordable Dwellings

1 Bedroom = 4 no.
2 Bedroom = 13 no.
3 Bedroom = 4 no.

2.6. The proposed dwellings would be provided in a range of types and styles. Proposed external facing material would be a mix of facing red brick (Ibstock, Leicester weathered red brick proposed), cream and salmon coloured render, with horizontal dark grey cladding details. Roofing materials would be a mix of rustic red and dark grey pantiles and rustic red and light grey plain tiles (all by Weinerberger. All windows will be white UPVC, with black doors.

3. The Principle Of Development

- 3.1. The development is outside the settlement boundary, but granted outline planning permission and this is the submission of reserved matters only. While there are objections and comments on principle issues, these have been dealt with under the outline granted.
- 3.2. The issues of Layout, Scale, Appearance and Landscaping only are for consideration.

4. Site Access, Parking And Highway Safety Considerations

4.1. The point of access and connections to the site have been dealt with under the outline permission. The outline permission also establishes the principle of 60 dwellings and related traffic to and from the site. However, layout of parking and visitor parking is for considerations and meets the requirements under the SCC Parking Standards. The parking proposals are as follows: -

103 no. allocated parking spaces
27 no. Garage spaces
15 no. Visitor/Informal off road parking bays

- 4.2. Parking provision is considered to meet the minimum requirement for parking places as shown in the Suffolk Parking for Guidance 2015.
- 4.3. In conclusion, the provision of 60 dwellings and the access point have been agreed under the outline permission. Detailed road alignment in addition to the level and location of all parking is acceptable in policy terms. Your officers consider the changes during the course of the application have now created a spacious layout with access to public green space, the countryside and village services. It is considered that the applicant has addressed all concerns by making important and substantial changes to the layout with a complete review of the site. It is considered that the latest scheme before you are the result of beneficial amendments and improvements to the proposal to that originally submitted.

5. Design And Layout [Impact On Street Scene]

- 5.1. The development is predominantly two-storey, however the developer has sought to provide 3 no. Bungalows as part of the development, 2 no. of which would be at the entrance to the development, adjacent to the only abutting neighbouring property.
- 5.2. The layout has been discussed above in part, but is essentially relates to 3 no. branch roads spurring off the principle access road, with 2 no. of the branch roads connecting via private drives and looping round, back to the principle road. Paved footpaths are also proposed adjacent to the principle estate road, and along the frontage of the site, linking the site access to the open space and rural public footpath network to the north of the site. The proposed layout is considered to create a welcoming, quality, pedestrian-friendly residential environment. Back gardens meet back gardens or the landscaped site boundary to the west, and avoid unsupervised spaces. The public green space to the north, and landscaped boundary to the west, provide green corridors to accord with landscaping recommendations, as well as creating a softer buffer to the adjoining countryside. The proposed public footpaths and green spaces also link into the existing PROW network and provide access to the countryside and to the south, connecting to villages services and facilities (off site highway works, to provide a connecting footway were secured by way of condition of outline planning permission). Discussions with the developer since the application was originally submitted has led to a number of improvements to the connections across and around the site, and on-site public open space and play provision, that taken together have resulted in attractive spaces between dwellings to encourage activity and good sense of place, with direct links to the open countryside.
- 5.3. The proposed housing density of 29 dwellings per hectare, although lower than the 40 dph as set out in development plan policy CS9, is considered to be acceptable to the existing character and development density of the village (existing development density of the village is approximately 14.45 dph).
- 5.4. The layout proposes a wide range of house types, with 12 total variations proposed. The resulting range of house types enjoy detailed features with a greater range of character variances when compared to an average estate of a similar scale. It is considered that the proposals will provide a development of sufficient interest and individual character, suitable in the proposed location. The scheme delivers a range of housing types which would provide a suitable mix address, and would deliver 21 no. affordable housing units.
- 5.5. Your Strategic Housing Officers have assessed the application proposal and are satisfied that the proposed would deliver affordable dwellings of a type, tenure and scale that is acceptable, in accordance with current policy and standards. Your Strategic Housing Officers have, however,

required further information with regards of the size and scale of the affordable units proposed, in order to confirm that they meet with Nationally Described Space Standards (NDSS). Your planning officers, however, consider that sufficient information has already been provided by the applicant in the form of the scaled, detailed plans and elevations submitted.

6. Landscape Impact, Trees, Ecology, Biodiversity And Protected Species

- 6.1. The proposed scheme of landscaping, providing strong landscape buffering, of appropriate species, to the north and west countryside boundaries, is considered appropriate to the type and scale of development proposed. The proposed scheme of landscaping is also considered to provide green corridors traversing the countryside edges of the site, to the benefit of ecological species.
- 6.2. Council landscape consultants have been consulted on the application proposal and, although satisfied with the majority of landscaping proposed, raise an element of concern with regards the lack of tree planting within the street, -scene and along the Wattisfield Road frontage in particular. Your Planning Officers consider an appropriate balance between landscaping and highway visibility has been struck, with at least some tree planting being proposed within the street scene, and the majority of the existing hedgerow fronting Wattisfield Road being retained and enhanced.
- 6.3. Overall the proposed scheme of landscaping is considered to screen and soften the proposed development into the existing landscape, to create an appropriate soft edge to the village in this location, and to provide suitable opportunities for ecological species.

7. Impact On Residential Amenity

- 7.1. Policy H13 of the development plan seeks to ensure new housing development protects the amenity of neighbouring residents. Policy H16 of the development plan seeks to protect the existing amenity of residential areas.
- 7.2. Paragraph 127 of the NPPF sets out a number of core planning principles as to underpin decision-taking, including, seeking to secure a high standard of amenity for existing and future users of developments and places.
- 7.3. The indicative layout demonstrates the site is readily capable of accommodating the proposed number and density of dwellings in a manner that will not unduly compromise the residential amenity of future occupiers of the development or occupiers of neighbouring dwellings. The proposed dwellings give no rise to unacceptable amenity impacts, owing largely to the separation distances between proposed dwellings and existing neighbouring dwellings and the single-storey scale dwellings (Bungalows) proposed closest to the nearest existing neighbouring dwelling to the south.
- 7.5. The proposal, therefore, accords with the aspirations of development plan policies H13 and H16 and with paragraph 127 of the NPPF in this regard.

8.1. Surface Water Drainage and Flood Risk

- 8.1. The applicant has produced a detailed Flood Risk Assessment / Surface Water Drainage Strategy, carried out by a suitably qualified Company (MTC Engineering), submitted with the application.
- 8.2. The report is considered to satisfactorily demonstrate that the proposed development is at 'low' risk of flooding from all sources.
- 8.3. The proposed surface water drainage strategy submitted is based on attenuation storage, with discharge to adjacent land drainage ditches, and the proposed layout incorporates attenuation storage in the north-east corner of the site, that forms an integral part of the development scheme and the surface water drainage strategy for the site.
- 8.4. The NPPF requires that, for major applications such as this, sustainable drainage systems for the management of run-off are put in place, unless demonstrated to be inappropriate. Sustainable drainage is an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on or near the site, as opposed to traditional drainage approaches, involving piping water off-site as quickly as possible. SuDS involve a range of techniques including soakaways, infiltration trenches, permeable surfaces, grassed swales, ponds and wetlands. SuDS offer significant advantages over conventional pipe drainage systems in reducing flood risk by attenuating the rate and quality of surface water run-off from a site, promoting groundwater recharge and improving water quality amenity.
- 8.5. National Planning Practice Guidance directs what sort of SuDS should be considered. Generally, the aim should be to discharge surface water run-off as high up the below hierarchy of options as reasonably practicable:
 - 1) Into the ground (infiltration);
 - 2) To a surface water body;
 - 3) To a surface water sewer, highway drain or another drainage system;
 - 4) To a combined sewer.
- 8.6. The NPPG provides that the particular types of SuDS may not be practicable in all locations.
- 8.7. The applicant's site investigation and infiltration test results have confirmed that a surface water drainage strategy, based on infiltration of run-off is not viable for the site.
- 8.8. In addition to the above, the NPPF also requires that developments do not increase flood risk elsewhere.
- 8.9. Accordingly the applicant has proposed the following surface water drainage strategy for the site:
 - Driveways and parking areas to be constructed using permeable paving;
 - Adoptable highway to drain to receiving drainage system (Swales and Attenuation Pond);
 - Receiving drainage system to discharge to discharge to site boundary ditch system via the detention basin and flow control device in the north-east corner of the site (The attenuation storage basin is designed for all storms up to and including a 1 in 100 year event +40% allowance for climate change);
 - A new swale will be provided along the western site boundary, linking the existing ditch along the northern side of the site to divert overland flow from adjacent land.

- 8.10. SCC-Local Lead Flood Authority (LLFA) have been consulted on the application proposal and maintain a holding objection on the basis that the proposed scheme of surface water drainage relates to a hybrid, and not a full, SuDS system. In their final responses the LLFA do, however acknowledge that the proposed hybrid system may be considered acceptable, should a suitable viability case be made, to the satisfaction of the Local Planning Authority.
- 8.11. Further to the comments provided by the LLFA, the applicant has produced a surface water drainage viability statement which concludes that the hybrid surface water drainage proposal current proposed enables the proposed number of units to be delivered and that should it be insisted that a full SuDS system (including a system of Swales across the site totalling 13.7% of the developable area) then this would result in a loss of units (8 or 9 units projected to be lost), making the scheme unviable. It should be noted that the site has several fixed abnormal costs which also need to be factored into the proposal's viability, including off site highway improvements, provision of a a foul water pumping station and provision of an electricity sub-station. In order to recover the loss of revenue from the reduction in the number of units and make the scheme viable the applicant considers they would need to submit a full viability statement to reduce the affordable housing provision from 35% (as currently proposed) to between 5% and 15%.
- 8.12. In assessing the proposal, your officers consider the surface water drainage scheme, as currently proposed, although not an ideal full SuDS system, would suitably manage surface water runoff from the proposed development and would not demonstrably result in significant increased flood risk on the site or elsewhere. The social benefits of maximising affordable housing on the site are, therefore, considered to outweigh the environmental dis-benefits of not delivering a full SuDS system, in this case.

PART FOUR – CONCLUSION

9. Planning Balance and Conclusion

- 9.1. The principle of development has been agreed for the number of dwellings proposed as well as the access arrangements. The resultant development provides an environment that is not car dominated, has good supervision and details a variety of dwelling styles and materials that provides interest to a range of streetscapes. All statutory consultees offer no significant objection to the scheme that cannot be addressed by way of existing or further conditions. The proposals are well connected to a number of existing public rights of way, will create a new landscaped edge to the village and provide green public space assets for the community to benefit from. Overall the development is considered to provide an attractive place with a range of house types to meet both affordable and housing needs at all levels.

RECOMMENDATION

That authority be delegated to the Acting Chief Planning Officer - Growth & Sustainable Planning to Grant reserved matters, subject to the following conditions:

- Approved Plans and Documents;
- Landscape Management Plan, as recommended by Council Landscape Consultants;
- Sustainability measures, as recommended by Council Environmental Protection Officers;
- Those already imposed as part of Outline Planning Permission Ref: 1352/17.

Philip Isbell – Chief Planning Officer
Sustainable Communities

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

Website: www.midsuffolk.gov.uk



APPROVAL OF RESERVED MATTERS

TOWN AND COUNTRY PLANNING ACT 1990
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)
ORDER 2015

Correspondence Address:

Saunders Boston Limited
119 Newmarket Road
Cambridge CB5 8HA

Applicant:

Lovell Partnerships
Lakeside 500
Broadland Business Park
Old Chapel Way
Norwich NR7 0WG

Date Application Received: 10-Sep-19

Application Reference: DC/19/04273

Date Registered: 11-Sep-19

Proposal & Location of Development:

Submission of details under Outline Planning Application 1352/17 - Appearance, Landscaping, Layout and Scale for erection of up to 60no. dwellings

Land West Of, Wattisfield Road, Walsham Le Willows, Suffolk

Section A – Plans & Documents:

This decision refers to drawing no./entitled 17.338-P-201 - Red line location plan received 05/04/2017 as the defined red line plan with the site shown edged red. Any other drawing showing land edged red whether as part of another document or as a separate plan/drawing has not been accepted or treated as the defined application site for the purposes of this decision.

The plans and documents recorded below are those upon which this decision has been reached:

Landscaping Plan 1728 - 0507 - E - Received 19/12/2019

Drainage Details Preliminary Surface Water Drainage Strategy with Swales 181338-C-202-P2 - Received 08/01/2020

Defined Red Line Plan 17.338-P-201 - Red line location plan - Received 05/04/2017

Proposed Plans and Elevations 1B 2P Flat - Affordable 1728 - 0010 - D - Received 10/09/2019

Proposed Plans and Elevations 2B 4P House (Semi-detached and terraced) - Affordable 1728 - 0011 - D - Received 10/09/2019

Proposed Plans and Elevations 3B 5P House (Semi-detached) - Affordable 1728 - 0012 - D - Received 10/09/2019

Proposed Plans and Elevations 2B 4P House (Semi-detached) 1728 - 0013 - C - Received 10/09/2019

Proposed Plans and Elevations 3B 5P House (Semi-detached) 1728 - 0014 - C - Received

10/09/2019

Proposed Plans and Elevations 3B 5P House 1728 - 0015 - C - Received 10/09/2019
Proposed Plans and Elevations 4B 6P House 1728 - 0017 - C - Received 10/09/2019
Proposed Plans and Elevations 3B 5P Bungalow 1728 - 0018 - B - Received 10/09/2019
Proposed Plans and Elevations 4B 7P House 1728 - 0019 - C - Received 10/09/2019
Proposed Plans and Elevations 5B 9P House 1728 - 0020 - C - Received 10/09/2019
Proposed Plans and Elevations 3B 6P House 1728 - 0016 - E - Received 02/12/2019
Proposed Plans and Elevations Twin/Double Garages 1728 - 0021 - D - Received 02/12/2019
Proposed Plans and Elevations Single Garages 1728 - 0022 - D - Received 02/12/2019
Street Scene - Proposed Street Scene elevations - 1 of 2 1728 - 0200 - E - Received 02/12/2019
Street Scene - Proposed Street Scene elevations - 2 of 2 1728 - 0201 - E - Received 02/12/2019
Block Plan - Proposed 1728 - 0501 - L - Received 19/12/2019
Waste Management Strategy 1728 - 0502 - H - Received 19/12/2019
Boundary Treatment Plan 1728 - 0503 - H - Received 19/12/2019
Parking Layout 1728 - 0504 - H - Received 19/12/2019
Materials Schedule 1728 - 0505 - H - Received 19/12/2019
Phasing Plan 1728 - 0506 - E - Received 19/12/2019

Section B:

Mid Suffolk District Council as Local Planning Authority, hereby give notice that **RESERVED MATTERS HAVE BEEN APPROVED** in accordance with the application particulars and plans listed in section A subject to the following conditions:

1. **RESERVED MATTERS APPROVED IN ACCORDANCE WITH OUTLINE PLANNING PERMISSION**

The Reserved Matters are approved in accordance with outline planning permission ref: 1352/17 and this approval is subject to the extant conditions of the outline planning permission.

Reason: For the avoidance of doubt and to ensure correct implementation to the permissions granted.

2. **APPROVED PLANS & DOCUMENTS**

The development hereby permitted shall be carried out in accordance with the drawings/documents listed under Section A above and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non material amendment following an application in that regard.

Reason - For the avoidance of doubt and in the interests of proper planning of the development.

3. **ACTION REQUIRED PRIOR TO FIRST OCCUPATION OF DEVELOPMENT: LANDSCAPE MANAGEMENT PLAN.**

The use shall not commence and no dwelling shall be occupied until there has been submitted to and approved, in writing by, the local planning authority a landscape

management plan for a minimum of 10 years. Both new and existing planting will be required to be included in the plan.

Reason - To ensure that the approved landscaping scheme has sufficient time to establish and is appropriately managed, in the interests of visual amenity and the character and appearance of the area.

SUMMARY OF POLICIES WHICH ARE RELEVANT TO THE DECISION:

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
H15 - Development to reflect local characteristics
H16 - Protecting existing residential amenity
H17 - Keeping residential development away from pollution
CL08 - Protecting wildlife habitats
CL11 - Retaining high quality agricultural land
T02 - Minor Highway improvements
T09 - Parking Standards
T10 - Highway Considerations in Development
T11 - Facilities for pedestrians and cyclists
RT04 - Amenity open space and play areas within residential development
RT12 - Footpaths and Bridleways

NOTES:

1. **Statement of positive and proactive working in line with the National Planning Policy Framework (NPPF)**

When determining planning applications The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires Local Planning Authorities to explain how, in dealing with the application they have worked with the applicant to resolve any problems or issues arising. In this case the negotiation occurred and suitable improvements to the scheme were secured, which enabled the application to be supported and approved.

2. **Protected Species Note**

The developer is hereby reminded of their obligations under the Wildlife and Countryside Act (1981 (as amended) and the Conservation of Habitats and Species Regulations (2017) (as amended) in the carrying out of the development hereby approved.

3. **Section 106 Agreement Note**

This planning permission has been granted having regard to a related Section 106 planning obligation. Reference should be made to that planning obligation in conjunction with this decision notice.

Babergh and Mid Suffolk District Councils have adopted Community Infrastructure Levy (CIL) charging which affects planning permissions granted on or after 11th April 2016 and permitted development commenced on or after 11th April 2016. If your development is for the erection of a new building, annex or extension or the change of use of a building over 100sqm in internal area or the creation of a new dwelling or holiday let of any size your development may be liable to pay CIL and you must submit relevant documents to our Infrastructure Team telling us more about your development, who will pay CIL and when the development will start. You will receive advice on the amount you have to pay and what you have to do and you can find more information about CIL on our websites here:

[CIL in Babergh](#) and [CIL in Mid Suffolk](#) or by contacting the Infrastructure Team on: infrastructure@baberghmidsuffolk.gov.uk

This relates to document reference: DC/19/04273

Signed: Philip Isbell

Dated: 19th February 2020

**Chief Planning Officer
Sustainable Communities**

Important Notes to be read in conjunction with your Decision Notice

Please read carefully

This decision notice refers only to the decision made by the Local Planning Authority under the Town and Country Planning Acts and DOES NOT include any other consent or approval required under enactment, bylaw, order or regulation.

Please note: depending upon what conditions have been attached to the decision, action may be required on your part before you can begin your development. Planning conditions usually require that you write to the Local Planning Authority and obtain confirmation that you have discharged your obligations. You should read your decision notice in detail and make a note of the requirements placed on you by any conditions. **If you proceed with your development without complying with these conditions you may invalidate your permission and put your development at risk.**

Discharging your obligations under a condition:

You should formally apply to discharge your conditions and the relevant application forms are available on the Council's website. The Local Planning Authority has 8 weeks to write to you after you submit the details to discharge your conditions. You should always account for this time in your schedule as the Local Planning Authority cannot guarantee that conditions can be discharged quicker than this. A fee is applicable for the discharge of planning conditions.

Building Control:

You are reminded that the carrying out of building works requires approval under the Building Regulations in many cases as well as a grant of planning permission. If you are in doubt as to whether or not the work, the subject of this planning permission, requires such approval, then you are invited to contact the Building Control Section of Babergh and Mid Suffolk District Councils.

Appeals to the Secretary of State

1. If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission or consent, or to grant permission or consent subject to condition, they may appeal to the Secretary of State for Communities and Local Government. The applicant's right of appeal is in accordance with the appropriate statutory provisions which follow:

Planning Applications: Section 78 Town and Country Planning Act 1990

Listed Building Applications: Section 20 Planning (Listed Buildings and Conservation Areas) Act 1990

Advertisement Applications: Section 78 Town and Country Planning Act 1990
Regulation 15

Town and Country Planning (Control of Advertisements) Regulations 2007

Notice of appeal in the case of applications for advertisement consent must be served within eight weeks of receipt of this notice. Notice of Householder and Minor Commercial Appeals must be served within 12 weeks, in all other cases, notice of appeal must be served within six months of this notice. If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within six months of the date of this notice, whichever period expires earlier.

Appeals must be made on a form which is obtainable from The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or online at <https://www.gov.uk/government/publications/modelnotification-notice-to-be-sent-to-an-applicant-when-permission-is-refused>

The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he/she will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him/her that permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by it, having regard to the statutory requirements*, to the provisions of the Development Order, and to any directions given under the Order. The Secretary of State does not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by him/her.

2. If permission or consent to develop land or carry out works is refused or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State and the owner of the land claims that the land has become incapable of reasonable beneficial use by the carrying out of any development or works which has been or would be permitted they may serve on the Council of the district in which the land is situated, a purchase notice requiring the Council to purchase his interest in the land in accordance with the provisions of Section 137 of the Town and Country Planning Act 1990 or Section 32 Planning (Listed Buildings and Conservation Areas) Act 1990.

*The statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely Sections 70 and 72(1) of the Act.

Committee Report

Item 7D

Reference: DC/20/04630

Case Officer: Alex Scott

Ward: Walsham-le-Willows.

Ward Member/s: Cllr Richard Meyer.

RECOMMENDATION – GRANT PLANNING PERMISSION WITH CONDITIONS

Description of Development

Application under S73 of Town and County Planning Act for approved DC/19/04273 dated 19/02/2020 - to vary Condition 2 (approved plans and documents) to facilitate increase in affordable provision from 21 to 31. Twin garage omitted and provision of sheds in rear gardens with amended fence/gate positions to plots 29 and 30. Updated site plan to show omission of twin garage and the alteration of tenure types from Market to Affordable to plots 27, 28, 29, 30, 37, 38, 54, 55, 56 and 57. As per drawings and documents submitted 17/10/2020.

Location

Land West of, Wattisfield Road, Walsham Le Willows, Suffolk

Expiry Date: 18/01/2021

Application Type: FUW - Full App Without Compliance of Condition

Development Type: Major Small Scale - Dwellings

Applicant: Lovell Partnerships

Agent: Saunders Boston Limited

Parish: Walsham Le Willows

Site Area: 2.80ha

Density of Development:

Gross Density (Total Site): 21.4dph

Net Density (Developed Site, excluding open space and SuDs): 29dph

Details of Previous Committee / Resolutions and any member site visit: Outline Planning Permission ref: 1352/17 approved by Committee, subject to conditions, on 9th May 2018; and Reserved Matters ref: DC/19/04273 approved by Committee, subject to conditions, on 19th February 2020.

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

Has the application been subject to Pre-Application Advice: No (No formal pre-application advice given).

PART ONE – REASON FOR REFERENCE TO COMMITTEE

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

It is a “Major” application for:

- a residential development for 15 or more dwellings.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

NPPF - National Planning Policy Framework
FC01 - Presumption In Favour Of Sustainable Development
FC01_1 - Mid Suffolk Approach To Delivering Sustainable Development
FC02 - Provision And Distribution Of Housing
CS01 - Settlement Hierarchy
CS02 - Development in the Countryside & Countryside Villages
CS03 - Reduce Contributions to Climate Change
CS04 - Adapting to Climate Change
CS05 - Mid Suffolk's Environment
CS06 - Services and Infrastructure
CS09 - Density and Mix
GP01 - Design and layout of development
HB14 - Ensuring archaeological remains are not destroyed
H07 - Restricting housing development unrelated to needs of countryside
H13 - Design and layout of housing development
H15 - Development to reflect local characteristics
H16 - Protecting existing residential amenity
H17 - Keeping residential development away from pollution
CL08 - Protecting wildlife habitats
CL11 - Retaining high quality agricultural land
T02 - Minor Highway improvements
T09 - Parking Standards
T10 - Highway Considerations in Development
T11 - Facilities for pedestrians and cyclists
RT04 - Amenity open space and play areas within residential development
RT12 - Footpaths and Bridleways

Neighbourhood Plan Status

This application site is within a Neighbourhood Plan Area.

The Neighbourhood Plan is currently at:-

Stage 1: Designated neighbourhood area

Accordingly, the Neighbourhood Plan has Little weight.

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)

Walsham-Le-Willows Parish Council
Support application.

National Consultee (Appendix 4)

(None)

County Council Responses (Appendix 5)

SCC - Highways

In highway terms there is no objection to the revisions proposed and there is no impact on the highway.

SCC - Rights of Way Department

No response received.

Internal Consultee Responses (Appendix 6)

MSDC - Strategic Planning - Planning Policy

Will not be commenting on this application.

MSDC - Strategic Housing

Support additional provision of 10 affordable dwellings and mix and tenure proposed - The Registered provider is required to enter into a nomination's agreement for the affordable homes on this site.

MSDC - Infrastructure Team

Comments received: CIL payments previously made would be abated - Site is within high value zone for CIL charging - Developer should be aware of their duties in relation to the CIL Regulations - A CIL liability notice will not be produced until Reserved Matters are granted.

B: Representations

At the time of writing this report at least 3 letters/emails/online comments have been received. It is the officer opinion that this represents 3 objections, 0 support and 0 general comment. A verbal update shall be provided as necessary.

Views are summarised below:-

- Concern that removal of garages will result in increased on-street parking;
- Proposed number of car parking spaces is inadequate for the development and the proposal will result in on-street parking;
- Ask where overflow carparking is proposed;
- Additional on-street parking will be dangerous;
- Request contingency for mitigating additional traffic and parking the development will create - on the site and on Wattisfield Road;
- The new footpath has already narrowed Wattisfield Road;
- The new footpath will make vehicle collisions on Wattisfield Road more common;
- Concern that parking on Wattisfield Road will become the norm;
- Concern with regards conflict between cars and pedestrians on Wattisfield Road, particularly parents with Children;
- Concern with regards noise and disturbance and mud on the highway as a result of current construction traffic on the site;
- Consider that substantial traffic calming and speed restriction measures are now essential on Wattisfield Road;
- Have given the developer every opportunity to demonstrate that the development will work but the current buildings expose a lack of responsible spacing and development, which is less than satisfactory.

(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/19/05262	Discharge of Conditions Application for 1352/17 - Condition 5 (Footway)	DECISION: GTD 24.04.2020
REF: DC/19/04273	Submission of details under Outline Planning Application 1352/17 - Appearance, Landscaping, Layout and Scale for erection of up to 60no. dwellings	DECISION: GTD 19.02.2020
REF: 1352/17	Outline application with all matters reserved except access for the erection of up to 60 dwellings	DECISION: GTD 05.07.2018

PART THREE – ASSESSMENT OF APPLICATION

1. The Site and Surroundings

- 1.1. Prior to commencement of the development previously approved on the site (under outline planning permission ref: 1352/17 and reserved matters approval ref: DC/19/04273), the site in question comprised approximately 2.80 hectares of undeveloped grade 3 agricultural land. The site contains a natural enclosure from the wider open countryside due to the existing mature hedges and trees that bound the site to the north/west. There is also a public footpath that runs along the north western edge of the site, which would help to naturally include the site with the existing southern built form. The existing tree and hedgerow belt is proposed to be retained and enhanced, as well as off-site habitat enhancement.
- 1.2. The site is adjacent to the settlement boundary of Walsham-le-Willows, which is a designated primary village in accordance with Policy CS1 of the adopted Mid-Suffolk Core Strategy (2008), Walsham-le-Willows being a primary village, some basic local services can be found to meet local needs.

2. The Proposal

- 2.1. The application is submitted under Section 73 of the Town and Country Planning Act and seeks revisions to the approved plans and documents previously approved by way of Reserved Matters approval ref: DC/19/04273. There are also implications with regards the S106 agreement agreed as part of outline planning permission ref: 1352/17, with regards number and tenure of affordable housing to be provided. As such, a deed of variation amending this agreement will be required to ensure delivery of the revised number and tenure of affordable housing now proposed.
- 2.2. The current proposal seeks an increase in the number of affordable housing units previously approved on the site. 21 no. affordable units were previously approved by way of outline planning permission ref: 1352/17 and reserved matters approval ref: DC/19/04273. 31 no. affordable units are now proposed by way of the current application, an increase of 10 no. over what was approved previously. The increased number of affordable units proposed would be at the expense of the number of open market units previously approved and no increase in the total number of dwellings previously approved is proposed. The total number of dwellings proposed on the site would be the same as what has previously been approved (60 no.).
- 2.3. The dwellings proposed to change from open market to affordable dwellings are plot nos. : 27, 28, 29, 30, 37, 38, 54, 55, 56 and 57.
- 2.4. Other alterations to the scheme, as previously approved are: Omission of twin garage to plots 29 and 30; provision of garden sheds for plots 11, 12, 15, 16, 17, 19, 20, 27, 28, 29, 30, 37, 38, 43 to 52, 54, 55, 56 and 57; and minor amendments to fence and gate positions.
- 2.5. The scheme would continue to provide 0.53 hectares of Public Space to the north-east site boundary, including Toddler Play Equipment and water feature, which would double as a SuDs attenuation basin. The scheme would also continue to enhance the setting of the Public Right of Way, and wildlife corridor, adjacent to the north-east site boundary, with additional landscape planting.

2.6. As before, the proposed density of housing development would be approximately 29 dwellings per hectare, with back to back distances of no less than 20.5 metres.

2.7. The proposed dwelling types are broken down as follows:

Market Dwellings

Single Storey Detached (Bungalows)	= 3 no.
Two Storey Detached Dwellings	= 20 no.
Two Storey Semi-Detached Dwellings	= 6 no.
TOTAL	= 29 no.

Affordable Dwellings

Two Storey Detached	= 2 no.
Two Storey Semi-Detached	= 22 no.
Two Storey Terrace Dwellings	= 3 no.
Two Storey Flats Building	= 2 no. (Containing 4 no. Flats)
TOTAL	= 31 no.

2.8. The proposed bedroom numbers are broken down as follows:

Market Dwellings

1 Bedroom	= 0 no.
2 Bedroom	= 2 no.
3 Bedroom	= 13 no.
4 Bedroom	= 10 no.
5 Bedroom	= 4 no.

Affordable Dwellings

1 Bedroom	= 4 no.
2 Bedroom	= 17 no.
3 Bedroom	= 10 no.

2.9. The proposed dwellings would be provided in a range of types and styles. Proposed external facing material would be a mix of facing red brick (Ibstock, Leicester weathered red brick proposed), cream and salmon coloured render, with horizontal dark grey cladding details. Roofing materials would be a mix of rustic red and dark grey double pantiles (by Weinerberger) and rustic red and light grey plain tiles (by Calderdale). All windows will be white PVCu, with black entrance doors.

3. The Principle Of Development

3.1. The development is outside the village settlement boundary, but extant outline planning permission (ref: 1352/17) and reserved matters (ref: DC/19/04273) are material considerations and have already established the principle of a similar development on the site, which has commenced. The current application relates to proposed changes in tenure of 10 no. of the dwellings previously approved from open market to affordable, as well as minor amendments to the layout, as previously approved.

3.2. The proposal alterations to the tenure of 10 no. of the dwellings previously approved, and the proposed minor alterations to the layout, are not considered to detract negatively from the

principle of the development already approved. As such the current proposal is considered acceptable in principle.

4. Site Access, Parking and Highway Safety Considerations

- 4.1. Access details and connections to the site have previously been dealt with under outline permission ref: 1352/17. The outline permission also establishes the principle of up to 60 dwellings and related traffic to and from the site. Public Footway connections between the site and village have also been secured by way of condition of the outline permission, and are observed to have been commenced.
- 4.2. The parking proposals are as follows: - 106 private allocated parking spaces; 33 private allocated garage spaces; 15 on-street / visitor parking spaces. SCC Highways have raised no objection to the proposed parking provision, which is considered to meet the minimum requirements for parking places as per current SCC advisory parking standards (Suffolk Guidance for Parking, May 2019).
- 4.3. In conclusion, the provision of 60 dwellings and access points, the detailed road alignment, and level and location of all parking, have previously been agreed under the extant permission. The current application proposal has no objection from SCC Highways and the proposal is considered to remain acceptable in terms of highway safety.

5. Design and Layout [Impact on Street Scene]

- 5.1. The proposed layout of the estate roads and the, design, location and orientation of dwellings has previously been approved under extant reserved matters approval ref: DC/19/04273.
- 5.2. The current application proposals minimal alterations to the layout previously approved, with the removal of 1 no. double garage building, the provision of 27 no. garden sheds in rear gardens, and minor alterations to gates and fences.
- 5.3. The current proposal is, therefore, considered to remain acceptable in terms of layout and the scale and appearance of buildings, structures and boundary treatments.

6. Landscape Impact, Trees, Ecology, Biodiversity and Protected Species

- 6.1. As previously approved, the current proposal would continue to propose a good scheme of soft landscape planting, providing strong landscape buffering, of appropriate species, to the north and west countryside boundaries of the site. The proposed landscaping scheme is considered to remain appropriate to the type and scale of development proposed. The proposed scheme would also continue to provide green corridors traversing the countryside edges of the site, to the benefit of ecological species.
- 6.2. Your Officers consider an appropriate balance between landscaping and highway visibility has been struck along the Wattisfield Road frontage, with tree and hedgerow planting being proposed within the street scene.

- 6.3. Overall the proposed scheme of landscaping is considered to screen and soften the proposed development into the existing landscape, to create an appropriate soft edge to the village in this location, and to provide suitable opportunities for ecological species.

7. Impact on Residential Amenity

- 7.1. The scale, appearance, location and orientation of the proposed dwellings has previously been considered as part of the extant permission and no alterations to the dwellings, as previously approved, are proposed as part of this current application.
- 7.2. The proposed removal of a garage building is considered to have a beneficial impact on the amenity of adjacent future occupants and the inclusion of garden sheds and amended boundary treatment locations are not considered to significantly impact the standard of residential amenity currently approved.
- 7.3. Overall the proposed alterations are considered to maintain acceptable back to back distances, avoid directly overlooking windows, and maintain private garden sizes, ensuring a good standard of amenity for all future occupants.

8. Surface Water Drainage and Flood Risk

- 8.1. The applicant has previously produced a detailed Flood Risk Assessment / Surface Water Drainage Strategy in relation to the scheme, carried out by a suitably qualified Company, which has previously been considered and approved by the Lead Local Flood Authority, and which is currently in the process of being implemented on site.
- 8.2. Your officers consider the surface water drainage scheme, as previously agreed and in the process of being implemented, would suitably manage surface water runoff from the proposed development and would not demonstrably result in significant increased flood risk on the site or elsewhere.

9. Affordable Housing

- 9.1. The current application proposes the on-site delivery of 31 no. affordable housing units, equating to 51.67 percent of the total number of dwellings proposed by the application.
 - 9.2. The proposed number and percentage of affordable units is in excess of the minimum requirement of altered policy H4 of the current development plan (35 percent). The proposed amount of affordable housing provision is, therefore, considered to provide significant social benefit and to weigh positively in the planning balance.
 - 9.3. Your Strategic Housing officers have assessed the current proposal and have not raised objection to the principle of the number and type of affordable dwellings proposed, subject to the securing of a nominations agreement.
 - 9.4. A legal agreement, amending that previously agreed, will be required in order to secure the revised affordable housing provision now proposed.
-

PART FOUR – CONCLUSION

10. Planning Balance and Conclusion

- 10.1. The principle of the erection of up to 60 no. dwellings on the site, and the location and design of the proposed access and footpath connections has previously been established by way of extant outline planning permission ref: 1352/17, which has been commenced. The current proposal would not alter the amount of dwellings or highways connections, previously approved and proposes significant social benefit in the additional number of affordable dwellings proposed. The principle of the proposed development, therefore, remains acceptable.
- 10.2. The current proposal would not result in significant alterations to the layout, scale and appearance of buildings, and the landscaping thereof, when compared to what was previously approved on the site by way of reserved matters approval ref: DC/19/04273. The current proposal is considered to continue to achieve and attractive layout and scheme of soft landscape planting, appropriate to its setting.
- 10.3. The proposal is considered to remain acceptable in terms of all other material planning issues, most significantly in terms of highway safety, residential amenity, ecology and flood risk.

RECOMMENDATION

That authority be delegated to the Chief Planning Officer to Grant Planning Permission:

(1) 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:

- Onsite delivery of 31 Affordable Housing Units;
- Financial contribution towards secondary School Pupils' transport.

(2) That the Chief Planning Officer be authorised to 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 - Section 73 Time Limit Condition;
- Standard - Approved Plans and Documents Condition;
- Provision of footway, between the site and Mill Close, along Wattisfield Road, prior to occupation, which shall thereafter be retained;
- Highways Access Condition;
- Highways Visibility Splay Condition;
- Highways Turning and Parking Condition;
- Highways Bin storage and collection areas;
- Existing and proposed soft landscaping protection;

- Those previously required by the Lead Local Flood Authority;
- Those previously required by the Council's Ecology consultants;
- Play Space provision and retention;
- Construction Management - As agreed.

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

- Pro active working statement
- SCC Highways notes
- Contaminated Land Note
- Ecology / Biodiversity Note
- S106 relates Note

(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.