

Committee Report

Item No: 7B

Reference: DC/21/06882

Case Officer: Jasmine Whyard

Ward: Needham Market.

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

RECOMMENDATION – REFUSE PLANNING PERMISSION

Description of Development

Application for Outline Planning Permission (Access to be considered, Appearance, Landscape, Layout and Scale to be reserved) Town and Country Planning Act 1990 - Erection of up to 279 No. dwellings (including 100 affordable) (re-submission of DC/20/05046).

Location

Agricultural Land North Of, Barking Road, Needham Market, Suffolk

Expiry Date: 23/03/2022

Application Type: OUT - Outline Planning Application

Development Type: Major Large Scale - Dwellings

Applicant: Mr David Willis, Mrs Marlene Perry and Mr Michael Watson

Agent: Mr Jason Parker

Parish: Needham Market

Site Area: 16.48 hectares

Dwellings per hectare: 16.9

Details of Previous Committee / Resolutions and any member site visit: DC/20/05046 was refused by members on the 17th February 2021.

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:

- I. The development exceeds the threshold for being determined under delegated authority owing to the fact that the development is 'a residential development for 15 or more dwellings' as per Mid Suffolk's Scheme of Delegation

CLASSIFICATION: Official

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

The Development Plan

The following policies are considered the most relevant and important to the determination of this proposal. The policies are all contained within the adopted development plan for Mid Suffolk District which for the purposes of determining this application is comprised of: Needham Market Neighbourhood Plan (2022), Mid Suffolk Core Strategy Focused Review (2012), Mid Suffolk Core Strategy (2008), Mid Suffolk Local Plan (1998), specifically the live list of 'saved policies' (2016). The proposal is also assessed against Suffolk Minerals and Waste Local Plan (2020). All policies, save for CS1, CS2 and H7, are afforded full weight in the determination process as they are considered consistent with the policies of the NPPF in accordance with paragraph 219 of that document. This will be explained further, later in this report.

- Needham Market Neighbourhood Plan (2022)

NM1- Housing Mix- Size, Type and Tenure

NM2- Securing Good Design and Layout

NM6- Community Infrastructure

NM10- Encouraging Safe Walking and Cycling

- Mid Suffolk Core Strategy Focused Review (2012)

FC1- Presumption in Favour of Sustainable Development

FC1.1- Mid Suffolk Approach to Delivering Sustainable Development

- Mid Suffolk Core Strategy (2008)

CS1- Settlement Hierarchy

CS2- Development in the Countryside & Countryside Villages

CS4- Adapting to Climate Change

CS5- Mid Suffolk's Environment

CS6- Services and Infrastructure

- Mid Suffolk Local Plan (1998)

GP1- Design and layout of development

H7- Restricting housing development unrelated to needs of countryside

H13- Design and layout of housing development

H15- Development to reflect local characteristics
H17- Keeping residential development away from pollution
CL2- Development within special landscape areas
CL8- Protecting wildlife habitats
CL11- Retaining high quality agricultural land
T10- Highway considerations in development
T11- Facilities for pedestrians and cyclists
T12- Designing for people with disabilities
RT12- Footpaths and Bridleways

- Suffolk Minerals and Waste Local Plan (2020)

MP10- Minerals Consultation and Safeguarding Area

Neighbourhood Plan Status

This application site primarily falls within the Needham Market Neighbourhood Plan Area, however a small area to the south western corner is outside of the plan area and within the parish of Barking.

The Neighbourhood Plan was adopted (made) earlier this year and therefore the plan now holds full weight within the decision-making process. The site is unallocated for development but remains a site that could deliver an aspirational relief road for the town, subject to review in future plan periods. As discussed within this report, the proposal is not supported by the Neighbourhood Plan.

Emerging Joint Local Plan Policies

The emerging Joint Local Plan is currently at Regulation 22 (Examination), based on the current progress of the examination and outstanding issues to be examined the plan continues to hold limited 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

Any updates to consultee responses in light of late submitted information shall be reported to Members in their Tabled Papers.

Town/Parish Council (Appendix 3)

- **Needham Market Town Council**
Needham Market Town Council commissioned Compass Point Planning and Rural Consultants to provide a response on their behalf.

Object on the basis of 1) continues to conflict with local and national policy, 2) failure to address previous reasons for refusal, 3) application overlooks the Neighbourhood Plan and its progress, 4) outside of the settlement boundary for Needham Market, 5) Mid Suffolk Council have a significant housing land supply, 6) development would have significant impact on highway network, 7) unsustainable with poor accessibility and pedestrian and vehicular connections into the town, 8) flood risk continues to be an issue in relation to the southern access, 9) landscape harm to the buffer between Needham and Barking, 10) application fails to address air pollution, 11) not allocated for development, 12) unsustainable and no overriding or exceptional need for the development, 13) unsuitable secondary access point.

- **Barking Parish Council**

Object on the basis of 1) unsafe and unsuitable access, 2) emergency vehicle access would be difficult, 3) flood risk, 4) heavy reliance on private motor vehicle, 5) 1.8 metre wide footpath not wide enough to accommodate cyclists, 6) affect the setting of listed buildings, 7) erosion of Barking's boundary, 8) considerable night light pollution, 9) impact on Special Landscape Area, 10) visual impact, 11) loss of greenfield land, 12) impact on biodiversity, 13) loss of prime agricultural land, 14) no material changes made since the originally refused application DC/20/05046, 15) emerging Neighbourhood Plan does not allocate the site, 16) Mid Suffolk have an adequate housing land supply.

- **Offton and Willisham Parish Council**

Object on the basis of 1) support comments made by Preservation Society, 2) housing land supply reached so no need to consider development of greenfield sites, 3) no suitable trunk road access, 4) insufficient infrastructure.

National Consultee (Appendix 4)

- **Anglian Water**

No objection but recommend informatives be placed on any decision notice.

- **East Suffolk Drainage Board**

Make comments relating to the discharge of surface water and request it should be done in accordance with SUDs non-statutory standards and attenuated to the Greenfield Runoff Rates.

- **Environment Agency**

Holding objection on flood risk grounds as the southern area of the site is within Flood Zones 2 and 3. The sequential and exceptions test as set out within national policy would be required to be carried out and must be passed. The submitted Flood Risk Assessment is inadequate for sufficiently assessing the flood risks on site.

- **Historic England**

No comment.

- **Natural England**

No objection subject to appropriate mitigation being secured through reserved matters.

- **Public Health**

No objection but make recommendations in regard to neighbourhood design, housing, healthier food environments, air quality and active travel which should be accommodated within reserved matters.

County Council Responses (Appendix 5)

- **Archaeology**

No objection subject to conditions on: 1) Written scheme of investigation, 2) Post investigation.

- **Contributions**

Object on the basis of insufficient land provision for early years setting. Also set out a number of contributions which are outlined in section 11 of this report.

- **Fire and Rescue**

No objection subject to condition on: 1) Fire hydrants to be provided.

- **Floods and Water**

Holding objection on the basis of 1) Needs to demonstrate that development is only located within the areas at the lowest risk of flooding, 2) Needs to demonstrate that flood risk is not increased elsewhere, 3) Needs to supply plan showing drainage catchments, 4) Need to ensure that sufficient space is maintained for above ground open SuDS, 5) Need to demonstrate how the site will be accessed.

They also note that the LPA will need to apply the sequential and exceptions tests to the development.

- **Highways**

Recommend refusal on the basis of 1) access onto Barking Road is at a high risk of and has a known history of flooding, a secondary permanent access is therefore required for emergency situations, 2) It is unclear whether the submitted Transport Assessment excludes JLP sites as this may affect the Transport Assessment of cumulative impact, 3) proposed uncontrolled crossing onto a substandard footway is unacceptable, a footway and suitable cycle route terminal are required on the western side of Barking Road 4) No travel plan submitted, 5) there is no bus route service along Barking Road, with the nearest bus service running 750 metres from the site, several options are given to improve bus connections to serve the site which would have to be funded to redirect routes but would be subject to agreement with bus operators.

- **Minerals and Waste**

Object on the basis that further information if required as to sand and gravel deposits. Further analysis / calculations should be carried out to determine the size of the deposits and justification as to whether these are economically viable for extraction or use on site.

- **Public Rights of Way**

Whilst there is no objection to the increased footfall along the Bridleway subject to contribution for improvements secured via S106 Agreement. They object on the basis that a main secondary vehicular access is proposed along The Drift (Bridleway 15).

- **Travel Plan**
Object as no Travel Plan has been submitted.

Internal Consultee Responses (Appendix 6)

- **Air quality**
Holding objection on the basis of insufficient information on air quality impacts.
- **Ecology**
Holding objection on the basis of insufficient and out of date ecological information.
- **Heritage**
Did not wish to provide full comments but officers confirmed with the Heritage Team that they consider there to be a very very low to very low level of less than substantial harm to the setting of Grade II listed Kennels Farm.
- **Land Contamination**
No objection. Recommend informatives for contacting the LPA in the event of unexpected ground conditions and that the responsibility for safe development lies with the developer.
- **Landscape**
Object on the basis of 1) Inadequate Landscape and Visual Impact Assessment, 2) Loss of agricultural land and 3) Adverse impact overall to landscape, geodiversity, rural setting and character.
- **Noise Odour Light and Smoke**
Object on the basis that a noise and light assessment is required to assess the impact of Needham Market FC on future residents of the site.
- **Public Realm**
No objection. Formal play areas would be expected to be included at the reserved matters stage.
- **Sustainability**
Object on the basis that no consideration has been given to sustainability matters at this stage, including climate change mitigation. If development were to be approved a sustainability condition should be imposed.
- **Strategic Housing**
No objection and support a marginal over delivery of affordable units. Recommend condition for market housing mix to be agreed at Reserved Matters.
- **Waste**
No objection subject to conditions on: 1) Plan demonstrating a 32 tonne refuse lorry can travel through site, 2) Plan showing bin presentation points of all dwellings

Other Consultee Responses

- **British Horse Society**

Object to the use of 'The Drift' Bridleway as a secondary access. The bridleway has not been upgraded to a byway. The bridleway would need to be improved and money secured via S106 Agreement.

- **Mid Suffolk Disability Forum**

Make comments that all dwellings should be constructed to meet Building Regulations M4(1) with some meeting M4(2). Bungalows should be provided. Consideration should also be given to ensure path surfaces and widths are appropriate.

- **Needham Market Society**

Object on the basis of 1) Site plan shows the creation of a new village with services or facilities, 2) Similar application DC/20/05046 refused and objections remain the same, 3) No pre-planning taken, 4) Insufficient and already stretched infrastructure, 5) Development in Needham should be paused until Neighbourhood Plan is in place.

- **Suffolk Preservation Society**

Object on the basis of 1) Unresolved objections from the previous refused application DC/20/05046, 2) Landscape impact and visual prominence, 3) Unallocated in emerging Joint Local Plan and Neighbourhood Plan.

B: Representations

At the time of writing this report at least 129 letters/emails/online comments have been received. It is the officer opinion that this represents 129 objections, with no comments in support. A verbal update shall be provided as necessary.

Views are summarised below:-

- Traffic (76)
- Flooding (73)
- Ecology (72)
- Access issues (66)
- Drainage (65)
- Lack of/ strain on infrastructure (57)
- Loss of open space (56)
- Landscape (51)
- Public Transport (43)
- Loss of outlook (41)
- Over development (39)
- Noise (39)
- Height (38)
- Pollution (36)
- Overbearing (30)

- Loss of Privacy (29)
- Out of character (27)
- Insufficient parking (27)
- Trees (27)
- Light pollution (25)
- Conflict with Neighbourhood Plan (25)
- Application lacks information (24)
- Overlooking (24)
- Sustainability (24)
- Loss of light (23)
- Health and safety (21)
- Crime (20)
- Scale (20)
- Building works (19)
- Conflict with District Plan (18)
- Residential Amenity (18)
- Boundary issues (18)
- Impact on Conservation Area (16)
- Design (15)
- Anti-social behaviour (15)
- Loss of Parking (14)
- Open Spaces (9)
- Conflict with NPPF (9)
- Contaminated land (6)
- Listed building (5)
- Odour (4)

(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/18/05053	Screening Opinion- Approximately 290 dwellings, associated infrastructure, vehicular access, estate roads, public open space, drainage, utilities, parking, garaging and landscaping.	DECISION: EAN 19.12.2018
REF: DC/20/05046	Application for Outline Planning Permission (some matters reserved, access to be considered). Town and Country Planning Act 1990. - Erection of 279 No. dwellings	DECISION: REF 18.02.2021

(including 100 affordable dwellings) and access.

REF: 3506/16

Outline planning permission with vehicular access (all other matters reserved) for the construction of 152 residential dwellings (including market and affordable homes) garages, parking, vehicular access with Barking Road, estate roads, public open space, play areas, landscaping and amenity green space with sustainable drainage systems, with associated infrastructure, including provision for additional car parking and improved vehicular access to Needham Market Country Practice

DECISION: REF
04.08.2017

REF: 2548/16

Screening opinion for Outline planning consent for construction of 152 residential dwellings (including market and affordable homes), garages, parking, vehicular access with Barking Road, estate roads, public open space, play areas, landscaping and amenity greenspace with sustainable drainage systems, and associated infrastructure, including provision for additional car parking and improved vehicular access to Needham Market Country Practice on approximately 10 hectares of land, with all matters reserved, except access.

DECISION: EAN
22.06.2016

PART THREE – ASSESSMENT OF APPLICATION

1. The Site and Surroundings

- 1.1. The site extends 16.48 hectares which is solely comprised of Grade 2 agricultural land (very good quality) and is primarily within the parish of Needham Market, however a small portion along the south west of the site falls within the parish of Barking. The site adjoins the built-up area boundary but sits wholly outside of the 'Town' of Needham Market, and is therefore within the 'Countryside', as identified under policy CS1. The site is located to the north of Barking Road (B1078) and is adjacent to an existing residential estate east starting along Foxglove Avenue.

- 1.2. The site's topography is varied, with the northern area located at a higher level than the south, representing a 17-metre difference in levels. Whilst there are some areas of trees along the northern and western boundaries of the site these do not obscure or screen the views across into the site. Subsequently the site is in a visually prominent position on the approach from Barking into Needham Market. A sliver of the western area of the site falls within the Gipping Valley Special Landscape Area. The Barking Woods Site of Special Scientific Interest (SSSI) is located 825 metres to the south west of the site. There is a woodland area (Spriteshall Grove) which falls within the site along the western edge, all the trees within the woodland are protected by Tree Preservation Orders (TPOs). The site falls within a Mineral Consultation Area.
- 1.3. The site is not within nor adjacent to the Needham Market Conservation Area, which starts along the High Street, nor are there any heritage assets within or adjacent to the application site. The Conservation Area is located 670 metres from the southern part of the site and 466 metres from the northern part. The existing residential estate, adjacent to the site, acts as a buffer between the Conservation Area and the site. The main cluster of nearby listed buildings are within the High Street, the nearest other listed building outside of the Conservation Area is Grade II listed Kennels Farm, located 312 metres to the south west of the site.
- 1.4. There is a Public Right of Way (Bridleway 15) named 'The Drift' which runs along the northern boundary of the site eastwards into Foxglove Avenue and westwards towards Barking. On the southern side of Barking Road is another Public Right of Way (footpath) which runs southwards and westwards within the parish of Barking amongst agricultural fields.
- 1.5. The nearest dwellings to the site are primarily concentrated along the eastern boundary of the site within Foxglove Avenue, wrapping around and partially along the northern boundary within Quinton Road as part of the existing residential estate. There are several other dwellings located more sporadically to the south of the site (Verona, The Lodge and Colchester Barn). To the west of the site are agricultural before meeting the more distinct cluster of residential development within Barking 1.1 miles west, which has no formal built up area boundary and is considered to be within the 'Countryside'. To the eastern corner of the site is the GP Surgery Needham Market Country Practice.
- 1.6. The southern area of the site (approximately 57 metres) and the road adjacent (Barking Road) fall within Flood Zones 2 and 3 which are the areas highly vulnerable to fluvial (river) flooding. This part of the site and road also fall within an area at a high risk from pluvial (rainfall) flooding. There are also two additional slivers within the middle of the site at a low to medium level of pluvial flood risk.

2. The Proposal

- 2.1. Outline permission is sought for the erection of 279 dwellings. 100 of those dwellings are proposed to be affordable units.
- 2.2. Alongside seeking to establish the principle of development, the application also seeks approval for access arrangements for the development. The access arrangements comprise of one main

access onto Barking Road and an additional emergency/ pedestrian access to the north along The Drift.

- 2.3. Details relating to the scale, layout, appearance and landscaping are reserved matters and are not being considered at this stage. That said, in submitting such an application it is incumbent upon the applicant to demonstrate how the development being applied for can be appropriately accommodated and respond to its situational context.
- 2.4. Whilst matters relating to scale, layout, appearance and landscaping are not confirmed nor applied for at this stage, the applicant has provided an indicative plan helping demonstrate the type of development that could materialise on site. The gross density of the development, when measured from the indicative masterplan, is 16.9 dwellings per hectare.

3. The Principle of Development

- 3.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, then that determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 3.2. Policy CS1 identifies a settlement hierarchy based on the services, facilities and access within the locality and accordingly directs development sequentially towards the most sustainable areas in regard to their location. Under policy CS1, Needham Market is identified as a 'Town' and Barking is within the 'Countryside'. The site sits wholly between these two distinct settlements within the 'Countryside'. Policies CS2 and H7 are subsequently engaged where development is proposed within the countryside. Policy CS2 looks more broadly at all forms of development within the countryside and policy H7 looks specifically at housing in the countryside. Policy CS2 sets out a range of countryside compatible development but includes restricting housing unrelated to the needs of the countryside. H7 echoes the sentiment of CS2 by steering housing towards existing settlements away from the countryside. Elements of these policies are not wholly consistent with the NPPF and therefore they are afforded less than full weight. However, they nonetheless seek to encourage sustainable and compatible forms of development which do not detrimentally impact on the countryside, steering development to the most sustainable areas, an approach which is consistent with the aims of the NPPF.
- 3.3. Policies CS4 and CS5 are further relevant in determining the acceptability of the principle of development on site, by assessing the relationship with existing development and the character of the locality, specifically with regard to flood risk, pollution, landscape and biodiversity. These policies hold full weight as they are consistent with the policies of the NPPF. The proposal's conflict with these policies is discussed in subsequent sections of this report.
- 3.4. Policies CS1, CS2 and H7 are afforded less than full weight as they adopt a prescriptive and blanket approach towards development which is not wholly consistent with the flexibility the NPPF seeks to encourage when assessed against paragraph 219 of that document.

- 3.5. Whilst policies CS1, CS2 and H7 may in isolation be considered 'out-of-date' in the circumstances of this application, in so far as they are not wholly consistent with the policies of the NPPF, and have, to some extent, been overtaken by other matters 'on the ground', they are not the only relevant and important policies engaged in the decision-making process of this application. Based on the scale and particulars of this application, there are many other equally as relevant policies in play (including Local Plan policies not explicitly mentioned within this section of the report) in determining the application, all of which are considered to be 'most important' within the parlance of the NPPF which thus contribute to the overall 'basket of policies'. Such other policies are considered to be consistent with the Framework and in isolation they hold full weight. To engage the 'tilted balance' on the basis that some policies in isolation do not hold full weight, would be to neglect and ignore that the other policies, which are equally if not more important, in determining the application are wholly consistent with the NPPF. Thus, to engage the 'tilted balance' on the basis that some of the 'relevant' and 'most important' policies do not hold full weight, would be to ignore and neglect the wider basket of policies which are consistent with the NPPF, and the very spirit of the NPPF in its aims for a plan led approach. On the basis of the consistency and weight of the wider basket of policies 'relevant' and 'most important' to this application, the 'tilted balance' of the presumption in favour of sustainable development, as set out within paragraph 11d) of the NPPF is not engaged. Moreover, the Council can demonstrate that it has an adequate and healthy 5-year housing land supply, currently measured at 9.54 years (February 2022) and has passed the most recent Housing Delivery Test.
- 3.6. The decision not to engage the 'tilted balance' when assessing this application is particularly relevant in light of the case of *Wavendon Properties Limited v SSCLG and Milton Keynes Council [2019] EWHC 1524 (Admin)*. The Wavendon Case confirmed that whilst one of the 'most important' policies in the decision-making process can be considered to be 'out-of-date' this in itself is not enough to engage the 'tilted balance'. As in this instance, the 'most important' policies, when taken as a whole, are considered to be consistent with the NPPF and therefore engaging the 'tilted balance' in this case would be incorrect.
- 3.7. The Council's Strategic Housing and Economic Land Availability Assessment (SHELAA) (October 2020) produced in support of the emerging Joint Local Plan identifies whether there is sufficient land available to meet projected housing and economic growth within the districts. As part of this, sites are broadly assessed for their availability based on a range of factors, including suitability. Whilst no planning status or merits of sites are engaged within this assessment, it nonetheless provides a useful starting point to determine the current status of the land in regard to its suitability. This application site is included within the SHELAA under site reference SS0028; in the SHELAA potential issues of the site are identified, these include the safety of access through a flood zone, minerals, biodiversity and potentially contaminated land. These issues have been assessed by statutory consultees and will be discussed in detail later in this report.
- 3.8. The Needham Market Neighbourhood Plan has recently been adopted (March 2022). Notwithstanding the emerging Joint Local Plan's direction, at present the Neighbourhood Plan is the most 'up-to-date' aspect of the development plan and holds full weight. The Needham Market Neighbourhood Plan does not anticipate making further allocations for new development given the high levels of outstanding commitment and the level of change that will occur as those

commitments and allocations come forward during the plan period. The Neighbourhood Plan policies will instead provide guidance for applications that come forward on the sites identified in the emerging BMSJLP plus any windfall sites that may come forward within the existing built-up area boundary (settlement boundary).

- 3.9. Whilst there are no policies that expressly prohibit development proposals, the site is not allocated within the plan for development, nor does the plan contain any policies that would support the proposed development, as discussed throughout this report. The application would nevertheless conflict with the aims of the Plan. The site is mentioned within the context of the plan only in so far as it could accommodate a future but as of yet unplanned relief road. A feasibility study around this aspiration for the town was conducted and concluded that 1400 dwellings would be required to fund such relief road, moreover it would be delivered through a coherent and integrated masterplan. The proposed development delivers neither the quantum of development nor the funding for such relief road, furthermore it would develop the site in a way which would preclude the delivery of any relief road in the future. The application is in effect piecemeal and is an exclusive parcel of land that has no regard to any broader masterplan or strategy as indicated within the Neighbourhood Plan and thus the proposed development is in conflict with it.
- 3.10. Whilst the site may adjoin an existing residential development, it would result in the infilling of a buffer and gap that currently separates the parishes of Needham Market and Barking. The resultant development would therefore encroach into the countryside and buffer altering the relationship and rural landscape between Needham Market and Barking. Inherently, based on the existing pattern of development along Foxglove Avenue and the wider residential estate, the development of the site would appear discordant and incongruous and would have no visual relationship with the existing development within Needham Market contrary to policy CS5.
- 3.11. In light of the above assessment, the proposed erection of up to 279 dwellings on site is therefore not considered to be acceptable in principle. The site's location, strictly within the countryside, would be contrary to the aims of the Neighbourhood Plan and policies CS1, CS2, CS4, CS5 and H7 of the wider development plan. Whilst some of these policies may have less than full weight, they nonetheless provide a useful position in determining areas most suitable for development. Residential development on this site would represent and adopt a discordant and incongruous form, with a forced and incoherent relationship with the existing adjacent development. There are no exceptional circumstances or material considerations that would justify a departure from the development plan, especially noting the District's significant housing land supply. The benefits offered by the development (an oversupply of 3 affordable dwellings beyond the 35% requirement and the economic/ social benefits accruing from construction and population growth) do not outweigh the harms identified above. Holistically the site does not represent sustainable development contrary to aims and spirit of the development plan and national policy, specifically conflicting with Core Strategy Focused Review policies FC1 and FC1.1 and paragraph 8 of the NPPF. The application is as a result considered to conflict with the development plan as a whole, for this reason alone.

4. Nearby Services and Connectivity

- 4.1. As a town Needham Market has a variety of services and facilities to support residents. The nearest of these services and facilities to the site include: Needham Market Football Club, Bosmere Community Primary School, Community Centre (all northeast of the site) and the GP Surgery Needham Market Country Practice and Pharmacy and the Co-Op (southeast of the site).
- 4.2. Based on the size of the site, two measurements have been taken to show the distances from the north and south of the site to the nearest services, facilities and public transport provision.

From the northern access of the site, the following key distances were calculated:

- 643 metres to the Co-Op along Barking Road
- 320 metres from Bosmere Community Primary School
- 643 metres to Needham Market Train Station

From the southern access of site, the following key distances were calculated:

- 643 metres to the Co-Op along Barking Road
- 1126 metres to Bosmere Community Primary School
- 965 metres to Needham Market Train Station

In the context of walking distances, the Chartered Institution of Highways and Transportation (CIHT) Guidelines for Providing for Journeys on Foot identifies acceptable distances for various journeys such as commuting, walking to school and recreation. The following walking distances are identified:

- Desirable - within 500 metres
- Acceptable - within 1000 metres
- Considered - within 2000 metres

As per the above all the distances are within the considered parameters. However, it is the quality of connections that also makes a difference in judging the extent to which future occupiers are likely to and actively encouraged to walk to them.

- 4.3. Short sections of 1.8-metre-wide footways are proposed immediately either side of the southern access point, with a dropped kerb to be provided to the northeast side as part of an uncontrolled crossing point for pedestrians to cross onto an existing footway on the eastern side of Barking Road. The existing footway along the eastern side of Barking Road is substandard measuring 1.2 metres. There is one existing uncontrolled crossing point approximately 160 metres northeast of the proposed uncontrolled crossing, connecting the existing eastern footway with the existing western footway next to Foxglove Avenue. Whilst this is a wider footway it is only marginally wider at 1.8 metres. Current guidelines state that footways should be a minimum of 2 metres in width. The existing footways along the south of the site are within highway land and therefore they could reasonably be improved around the site to increase sustainability, encourage safe active travel and better link the site to Needham Market, however this has not been proposed. The applicant has previously suggested that they would accept planning conditions to deliver whatever is requested by the SCC Highways. However, that is a less than satisfactory response because no

work has been undertaken/ the application lacks sufficient detail to demonstrate how connections could be improved or delivered in an acceptable fashion.

- 4.4. The lack of consideration given to integrating the site with existing connections and improving such connections would do little to safely integrate and encourage future residents to walk or cycle. Thus, the combination of increased footfall and substandard/ varying footway widths may force pedestrians to walk on the road, increasing the risk of accidents and deterring them from sustainable travel. This situation would be particularly hazardous for wheelchair users and parents with children. Furthermore, SCC Highways have received many complaints about speeding along Barking Road and therefore it is considered a particularly hazardous area for pedestrians. The scheme would likely encourage more use of private motor vehicles based on convenience.
- 4.5. There is only one bus route connecting Needham Market to Stowmarket, Claydon, Great Blakenham and Ipswich. The buses are regular, but the bus stop (The Swan) is located 965 metres away from the south of the site and 482 metres from the north of the site.
- 4.6. The existing cycling provision within the locality is limited and is comprised of the bridleways (15 and 17) north of the site which lead into Needham Market. There is otherwise no formal cycling infrastructure to the south of the site along Barking Road. Cyclists are therefore required to cycle along the road. Moreover, the safety of bridleway 15 for users may be compromised by the use of the area as a secondary emergency access which forms part of this application (discussed further in section 5).
- 4.7. As the proposal is for a development that would generate significant amounts of movement, a Travel Plan is required to assist in reducing the reliance on private motor vehicles. No Travel Plan has been submitted, as such there has been no strategy submitted to encourage and promote suitable and effective sustainable means of travel to and from the site. Again, the applicant contends that planning conditions/obligations can secure a Travel Plan and any bus service improvements. However, again, in officers' view this sets responsibility for providing adequate information too far into the future where the principle of development is being considered now, and where the principle of development is in part contingent upon an understanding of the extent to which genuine sustainable transport options will be available and the likely impacts of such.
- 4.8. As discussed in section 5 in further detail, in the event of flooding there is the risk that occupants in the dwellings in the southern section of the site would be forced to travel further than the distances identified above as they may not be able to gain safe access onto Barking Road and may have to travel northwards out of the site first.
- 4.9. Whilst Needham Market may be at the top of the settlement hierarchy as a town, and the site adjoins that boundary, the quality of the proposed connections and existing footway and cycleway network to support and facilitate active transport is weak, especially immediately surrounding the application site. Whilst the issues at hand somewhat relate to the substandard quality of existing connections, there has been no practical consideration on how the future residents of 279 dwellings would experience and use the existing footway/ cycleway network nor in regard to how

such infrastructure may be deficient and discourage and pose obstacles to offering future residents a genuine choice of transport modes, specifically active ones. The connectivity offering is poor and prevents the site meaningfully integrating with Needham Market.

- 4.10. The development sits incoherently with the existing footway/ cycle network within Needham Market and does not consider existing deficiencies. The proposal does not seek to create a well-designed and integrated place by improving existing infrastructure and providing meaningful new connections. Furthermore, no travel plan has been submitted to demonstrate that the site will benefit from sustainable travel modes. proposal falls significantly short of complying with Neighbourhood Plan policies NM2, NM10, Local Plan policies T11, T12 and RT12 and paragraphs 8, 100, 104, 105, 110, 112, 113 and 130 of the NPPF.

5. Site Access, Parking and Highway Safety Considerations

- 5.1. Whilst this is an Outline Application it includes access as a matter for consideration as are matters relating to connectivity and infrastructure (discussed earlier and within this section).
- 5.2. For 279 dwellings one single main access point is proposed to the southern side of the site connecting onto Barking Road, which runs through Flood Zones 2 and 3 and is at a high risk of pluvial flooding. In accordance with highways design guidance, one access is sufficient to serve a maximum of 150 dwellings. At least one main access serving the development would also need to be wholly located outside of an area vulnerable to flood risk. When applying this design guidance, 279 dwellings should be served by an additional main access point. While guidance only, the practical difficulties associated with the specific circumstances of this application proposal highlights the issue at hand.
- 5.3. As the main access is at a high risk of flooding (fluvial and pluvial), the importance of having a formalised and viable secondary access is further emphasised. Whilst a secondary emergency access is proposed to the north, there are insufficient details given about this access point. It is stated that it would be 3.7 metres in width and its use would be controlled by automated rising bollards, used primarily by pedestrians, cyclists and emergency vehicles. It is however suggested within the planning statement that it could be used by vehicles during flood events or as an alternative main vehicular access, a scenario which has not been assessed through the submitted Transport Assessment. The application is silent on specific information relating to improvements, surfacing, length, monitoring, operations, how it connects to the highway on Quinton Road, the highway implications of its use and the vehicular rights of access over the bridleway (The Drift) to serve 279 dwellings.
- 5.4. It is highly likely that the main access could flood regularly effectively 'trapping' residents within the site without a viable vehicular means of access in or out of the site. 300mm of water is enough to prevent emergency vehicles from accessing a site. SCC Highways have confirmed there has been a history of complaints being made about flooding along Barking Road and surrounding areas, demonstrating the likelihood that residents could become 'trapped' and would be reliant upon the inadequate emergency secondary access. The frequency and intensity of such flooding events is likely to only get worse with climate change.

- 5.5. The emergency access would be taken to the north along The Drift (Bridleway) and private road (serving a number of existing residents and Needham Market Football Club) before meeting the highway along Quinton Road northeast of the site. Based on insufficient information as to its proposed use, the Council adopts a precautionary approach. In considering a best-case scenario this emergency access could be used by the vehicles of 279 dwellings during flood events. In a worst-case scenario it could be used as a main alternative access. Either eventuality is wholly inappropriate and unacceptable and would divert substantial amounts of traffic through the existing residential estate east.
- 5.6. The Drift itself is an unsurfaced track measuring 5 metres in width. The private road connecting the bridleway to the highway is smaller measuring 4 metres in width. No improvements have been proposed in order to demonstrate how the bridleway, private road and Quinton Road could accommodate the traffic and pedestrian movements arising from its use as an emergency access point. In the absence of information to suggest otherwise, based on the spatial constraints of the bridleway and private road, it is highly unlikely that they could be altered and upgraded to accommodate vehicular traffic arising from a significant number of vehicles, including for use by emergency vehicles. Moreover, a separate consent from SCC Public Rights of Way should be secured prior to determination to upgrade the bridleway to a byway for use by vehicles to ensure that the proposed emergency access can be viably used. As this consent is not in place and based on the comments received from both SCC Public Rights of Way and Highways, it is unlikely this consent would be granted in any event. In response, the applicant has drawn a simple line on a plan indicating where a diversion to the Public Right of Way could occur that would ostensibly avoid any conflict between bridleway users. Apart from the fact that this would necessitate all other development being shifted southwards, placing further constraint on density in the avoidance of the various higher risk flood areas, it lacks any proper details as to how conflicts would be avoided at that access or the stretch of bridleway from that point before widening to meet the road.
- 5.7. SCC Public Rights of Way and SCC Highways have objected to the creation of an emergency access in this location as it would be inappropriate and unsuitable in any event and is likely to adversely affect and discourage the use of the bridleway.
- 5.8. The current 30mph speed limit along Barking Road does not fully cover the proposed southern access. The applicant has therefore proposed to increase the 30mph speed limit area 24 metres further along the frontage to cover the access. Whilst SCC Highways recommend that this extension is increased 100 metres to cover the entire frontage of the site, its extension 24 metres would however be acceptable. The extension of the 30mph speed limit would be secured through the imposition of a Grampian condition requiring a Traffic Regulation Order (TRO) to the effect that no development can commence without the TRO being resolved.
- 5.9. Whilst layout is not a matter for consideration at this stage, it is considered that adequate parking provision could be accommodated on the site in accordance with policy T9 and SCC Parking Guidance (2019). Equally electric vehicle charging points and secure cycle storage could be included through Reserved Matters.

5.10. The development does not demonstrate safe and suitable access for all. A single main access is proposed through an area highly vulnerable to flooding, with a secondary emergency access wholly unsuitable for use. The location of the emergency access would detrimentally affect the use of the bridleway, which also requires consent to be upgraded to a byway prior to determination in order to be used by vehicles. The proposal is thus contrary to Neighbourhood Plan policy NM2, Core Strategy policy CS4, Local Plan policies T10, T11, T12 and RT12 and paragraphs 8, 100, 104, 105, 110, 111, 112, and 130 of the NPPF.

6. Design and Layout

6.1. As the proposal is currently in outline form with all matters reserved except access, consideration of scale, layout and appearance are limited at this stage.

6.2. It has not been adequately demonstrated that the quantum of development can be accommodated on site in areas at the lowest risk of flooding, whilst also accommodating SuDS. Even if this had been demonstrated, as discussed within section 8 of this report, based on the constraints of the site the proposal fails the sequential test.

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

7.1. The development plan and national policy seek, inter alia, to protect high quality agricultural land landscape qualities and biodiversity, confirming that the intrinsic value of the landscape and biodiversity is of great importance and weight and should be viewed within its wider context not just in isolation in the context of specific sites.

7.2. Place Services Ecology reviewed the submitted ecological information and raised a holding objection. Insufficient and out of date information has been provided in respect of European Protected Species (Hazel Dormice and bats), Protected species (reptiles) and Priority species (farmland birds- Skylarks). Whilst reports were submitted, these reports contain information that dates back to 2016, such information is therefore considered out of date. Therefore, there is insufficient information for the Local Planning Authority in association with our qualified professional ecologists in Place Services to determine the likely impacts of development on these species and habitats and subsequently identify proportionate mitigation measures.

7.3. The ecological information submitted under this application relating to Dormice and reptiles is exactly the same information supplied to support the originally refused application in 2016 under reference 3506/16. Furthermore, the development is considered to potentially impact on foraging and commuting bats, as such a Bat Activity Survey should be carried out to assess impacts. In addition, the Ecological Impact Assessment estimates that Skylark nesting territories would be lost through the development, as such a Farmland Bird Mitigation Strategy will be required to secure offsite compensation for the maximum number of nesting territories currently on the application site. The current offered nesting opportunities are inappropriate for Skylarks. The applicant claims that the Council's ecologist confirmed that the out-of-date information could

continue to be relied upon. Having checked with the Council's ecologist it has been confirmed that this is not correct; up to date surveys are needed.

- 7.4. As insufficient information has been submitted in relation to ecology the Council cannot discharge its statutory duties under s40 of the Natural Environment and Rural Communities Act 2006.
- 7.5. Natural England reviewed the proposal in respect of the Barking Wood SSSI located to the south west of the site and raised no objection to the proposal and its impact on the SSSI currently. However adequate green infrastructure will be expected to be delivered through Reserved Matters to prevent future inappropriate use of the SSSI.
- 7.6. The Council's Arboricultural Officer confirmed that whilst there is a wooded area to the western edge of the site containing trees protected by Tree Preservation Orders, these could be appropriately protected and there would be no direct impact from the development on the trees.
- 7.7. The Agricultural Land Classification system classifies land into five categories (Grade 1: excellent, to Grade 5: very poor, inclusive), with Grade 3 subdivided into sub-Grades: 3a (good quality) and 3b (moderate quality). Best and Most Versatile ("BMV") agricultural land is land in grades 1, 2 and 3a. The site is comprised of Grade 2 agricultural land which is defined as very good quality. BMV land is afforded significant importance in accordance with policy CL11 and with paragraph 174 (b) of the NPPF which states, *"recognising the intrinsic character and beauty of the countryside and the wider benefits of natural capital and ecosystem services- including the economic and other benefits of the best and most versatile agricultural land and of trees and woodland"*.
- 7.8. It is axiomatic that the development of this greenfield site inherently results in the loss of BMV land. Whilst Mid Suffolk has a higher level of Grade 2 agricultural land than most regions, it is nonetheless important to recognise that the development of the site would result in the loss of 16.47 hectares of BMV, which is afforded significant protection by local and national policy and Natural England. Notably the loss of 20 hectares of BMV land (either in isolation or cumulation) is a specific threshold set out by the government where Natural England must specifically assess such impacts. When considering these impacts in combination with wider countryside and landscape harms, as discussed within this report, the loss of BMV further contributes to the level of harm identified. This is heightened when noting that specific emphasis is placed on the protection of BMV both in local policy (CL11) and national policy. There are no material considerations (such as housing land supply) that would weigh in favour of its loss.
- 7.9. Suffolk's Landscape Character Assessment identifies that the northern elevated part of the site is comprised of Ancient Plateau Claylands and the southern portion is Rolling Valley Farmlands. The Council's Landscape Sensitivity Assessment (September 2020) identified that the site is an area that would have a moderate landscape sensitivity to residential development, stating that *"The landscape makes a positive contribution to the rural setting and character of Needham Market and provides a rural backdrop to existing settlement...The development of the site is likely to be perceived as encroachment into the countryside. Other sensitive features including the sloping landform, undeveloped backdrop provided to existing settlement, open views and deciduous woodland habitat"*.

- 7.10. The development of the site would represent an encroachment into the open countryside. The site has both a wider importance abutting and partially falling within the Gipping Valley Special Landscape Area and adopts more localised significance, as its prominent elevated location acts as a transitional buffer between the urban area of Needham Market and rural area of Barking. The value of Needham Market's surrounding rural landscape is emphasised further within the Neighbourhood Plan.
- 7.11. Place Services Landscaping raised an objection to the proposal from the perspective of landscape harm, noting there would also be the loss of very good agricultural land (Grade 2). The submitted Landscape Visual Impact Assessment does not adequately appraise the area and whilst recommended mitigation would reduce some impact, this is not sufficient to overcome the landscape harm that would result from the development of the site. The applicant contends that as an outline application such matters are capable of being resolved at the reserved matters stage. Officers strongly reject that position; it is incumbent upon the applicant to demonstrate how development might be acceptably brought forward. The applicant has failed to discharge that burden, ultimately downplaying the extent of adverse impact. The applicant likewise suggests that much smaller scheme could be delivered on the basis that the application is made for 'up to' 279 dwellings. That is a weak point because it fails to recognise that the Council needs be satisfied of the extent of likely impacts proposed by the development in the full extent applied for.
- 7.12. The proposed development would result in the loss of BMV agricultural land and cause detrimental landscape impact. Moreover, there is insufficient information supplied to appropriately assess the impacts and thus any required mitigation in relation to protected species. The proposal is therefore contrary to Neighbourhood Plan policy NM7, Core Strategy policy CS5, Local Plan policies CL2, CL11 and CL8 and paragraphs 8, 120, 174 and 180 of the NPPF.

8. Land Contamination, Air Quality, Waste, Flood Risk, Drainage and Minerals

- 8.1. Environmental Health assessed the application and the submitted Phase I Report from the perspective of land contamination and subsequently raised no objection to the proposal.
- 8.2. Environmental Health further assessed the application in respect of its impact on air quality. Whilst the site is not within an Air Quality Management Area, as the development could result in 500 plus vehicle movements a day. Therefore, a screening assessment guided by the Institute of Air Quality Management should be submitted to ensure there is no adverse impact on the air quality of the area. This information has not been submitted and therefore the Council has no certainty that the development would not result in any adverse impact and therefore adopt a precautionary approach in the absence of sufficient information. The applicant contends that this could be treated by condition. Officers considered that position to be misconceived because it fails to discharge the burden of demonstrating the full extent of the impacts likely to be posed should the full quantum of development come forward which may, or may not, be acceptable dependent upon any mitigation required. Once again the application suffers due to the overly sanguine stance taken by the applicant.

- 8.3. Whilst the application makes no reference to any proposed means of foul water drainage, Anglian Water have confirmed that foul water could be diverted to Needham Market Water Recycling Centre as the Centre will have capacity for the flows associated with 279 dwellings.
- 8.4. The Environment Agency have raised an objection from the perspective of fluvial flood risk. The Local Lead Flood Authority (SCC Floods and Water) have also raised objections from the perspective of pluvial flood risk.
- 8.5. Notwithstanding that the original application (DC/20/05046) was partially refused on the basis of flood risk, it is important to note that since the original decision the wording of the NPPF has changed. Development is now explicitly directed under paragraph 162 of the NPPF to areas with the 'lowest' risk of all forms of flooding. In the context of pluvial flooding this would be the 'very low' risk areas (rather than just 'low' risk areas which may have previously been considered more acceptable for development) and in fluvial terms this continues to be Flood Zone 1. It is important for decision takers to consider the risks associated with all forms of flooding i.e. both fluvial and pluvial.
- 8.6. The site contains a number of areas which are vulnerable to flood risk to some degree. A number of areas within the main body of the site are at a 'low' risk of pluvial flooding and the southern access is both in Flood Zone 3 and is at a 'high' risk of pluvial flooding.
- 8.7. The Environment Agency require further information to be included within the Flood Risk Assessment (FRA), such information includes identifying the flood risk from the ordinary watercourse and include climate change allowances in the modelling.
- 8.8. SCC Floods and Water require further information to demonstrate that all dwellings are within areas at the lowest risk of flooding. The development should also offer betterment beyond the existing site usage to prevent flooding elsewhere. A plan would need to show all drainage catchments contained within the submitted FRA, and a further plan needs to demonstrate that above ground SuDS can be accommodated within the site (or justification provided as to why not). Details are also required to demonstrate how the site will be accessed, specifically whether this would involve a culvert or bridge being used to accommodate the southern access over the drainage ditch.
- 8.9. Notwithstanding that insufficient information has been submitted to fully assess the flood risk on site, the flooding implications of developing the site and flood risk management in and around the site, the application is first required to pass the sequential test as per policy CS4 and paragraph 162 of the NPPF. Paragraph 162 sets out this test stating, "*the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.*" If an application firstly passes the sequential test it then follows that the exceptions test is engaged as per paragraphs 163, 164 and 165 of the NPPF.

- 8.10. Noting that the Council can demonstrate that it has a significant five-year housing land supply (9.54 years), it is considered that there are other reasonably available sites within similar locations on the settlement hierarchy (Stowmarket and Eye) to meet the Council's housing needs in areas at the lowest or with a lower risk of flooding. As set out within the Flood Risk Vulnerability Classification table under Annex 3 of the NPPF, residential development and associated infrastructure (such as access points) are considered a 'more vulnerable' use. On this basis there is nothing before the LPA to suggest that there is an overriding need for residential development to be located in an area significantly vulnerable to flooding and as such the proposal fails to pass the sequential test. Subsequently, the exceptions test is therefore not engaged.
- 8.11. The site falls within the Minerals Consultation Area as per the SCC Minerals and Waste Local Plan. SCC Minerals and Waste requested that a borehole and grading analysis should be carried out on the site prior to determination. If material is found on site and it is deemed to be economically viable for extraction, a condition would thus be required to ensure such material is extracted prior to commencement. No such borehole and grading analysis has been carried out on site to determine if there are any minerals in the ground and whether they are economically viable. The agent for the application has argued that such analysis was carried out in 2016 as part of a previously refused application. This Ground Investigation assessment is insufficient as it solely identifies that there are sand and gravel deposits and their depth and does not analyse/ determine the size of the deposits nor provides any justification as to whether such deposits are economically viable for extraction or for use in the construction of the site. Such information is required prior to determination as if such material is economically viable for extraction, this would need to be secured under a County Council Minerals Extraction Permission before any decision is issued.
- 8.12. The proposal would overall be contrary to Neighbourhood Plan policy NM2, Minerals and Waste policy MP10, Core Strategy policy CS4, Local Plan policy H17 and paragraphs 8, 159, 162, 167, 169 174, 209 and 211 of the NPPF. The proposal poses a risk of pollution and flooding to future and existing residents and could result in developing a site without first extracting valuable and finite mineral reserves.

9. Heritage Issues

- 9.1. The Council's Heritage Team did not wish to offer full comments on the application but provided some comments to justify their approach stating that: *'The proposal has potential to affect the setting of any nearby heritage assets. The only one likely to be affected, in view of its location and character is Kennels Farm, a listed farmhouse on the rising ground to the south of Barking Road which I have visited in connection with a previous application. Its setting is predominantly rural with the urban edge of the town to the north. The proposal would bring that edge closer, increasing the quantum of residential development and slightly widening its arc as viewed from the listed building. But as the development would not fundamentally change the character of land in the setting, I concluded that a formal assessment of significance and impact by myself was not necessary in this instance'*.

9.2. Having discussed the matter further with colleagues in the Heritage Team, officers have concluded that there would be a 'very very low to very low level of less than substantial harm' to the setting of the Grade II listed Kennels Farm by the proposed development. As a level of harm has been identified, regardless of its level, paragraph 202 of the NPPF is thus engaged. The statutory duties within the Listed Buildings Act impose a presumption against granting planning permission where harm is identified and harm of any quantum, is a matter of considerable importance and weight. Paragraph 202 requires harm to be weighed against public benefits. In this instance officers are satisfied that 279 dwellings, including 100 affordable homes would be a significant 'public benefit' for the purposes of paragraph 202, which outweighs the level of harm identified. Such harm, however, nevertheless falls to be considered again in the overall balance along with the benefits.

10. Impact on Residential Amenity

- 10.1. The indicative plans demonstrate that the quantum of development proposed could enable separation distances between existing dwellings along Foxglove Avenue at a minimum of 39 metres and adequate green space. Moreover, by way of the site's location and indicative masterplan the development could be brought forward in a manner so as to prevent loss of light, loss of privacy or overlooking for both existing and any future occupants in and around the site.
- 10.2. Whilst issues of light, privacy and overlooking could be mitigated against in a finalised design, the proposal does not represent a 'well-designed' place for existing residents or future occupants of the site, contrary to paragraph 130 of the NPPF. The connections to Needham Market are inadequate and unsafe, with opportunities for active travel impeded by inadequate infrastructure. As assessed by statutory consultees, insufficient information has been submitted to indicate that existing and future occupants would be protected and safe from noise, air and light pollution and flood risk.
- 10.3. Whilst no information has been submitted around the use of the 'emergency access' if the access is to be used by main vehicular traffic of the site, there would undoubtedly be a conflict of use between the vehicular use of this proposed access and users of the bridleway, increasing the risk of accidents and thus discouraging the use of the bridleway. The proposal could therefore significantly and detrimentally alter the experience of the bridleway to the north of the site.
- 10.4. Environmental Health assessed the proposal from the perspective of noise, odour, light and smoke and raised a holding objection based on insufficient information relating to the noise and light impacts arising from the adjacent football ground and training pitch to the north of the site. An Environmental Noise Assessment is required to determine the extent of impact on future occupants of the site. The existing flood lighting at the club should also be taken into account. Whilst it is acknowledged that there are existing dwellings near to the football ground, the application site is located closer to and in a different position to the existing residential estate. As there have been several complaints to the Environmental Health Team from existing residents, it is imperative this information is supplied to ensure the impacts on any future residents are assessed. As insufficient information has been submitted, the Council cannot be certain on the impacts and therefore adopt a precautionary approach.

10.5. The proposal is therefore contrary to Core Strategy policies CS4 and CS5, Local Plan policies SB02, GP01, RT12 and H17 and paragraphs 8, 100, 130 and 174 of the NPPF.

11. Planning Obligations / CIL

11.1. 100 dwellings are proposed to be affordable units. This is in accordance with Local Plan altered policy H4 and equates to just over 35% of the total dwellings (on-site provision for 35% would total 97 units). The proposed mix that would be sought would be:

9 x 1 bed flat
9 x 2 bed flat
10 x 2 bed bungalow
6 x 2 bed house
30 x 3 bed house
31 x 4 bed house

Further discussions would be required to determine the tenure, the number of occupants each unit would be intended to accommodate and the floorspace. The affordable units would be secured via S106 Agreement.

11.2. The Council's Strategic Housing Team further recommended a condition to control the open market mix at reserved matters.

11.3. SCC have raised a holding objection to the proposed development as insufficient information has been submitted to demonstrate that there is sufficient land for an early years setting to be accommodated on site in an area that is not vulnerable to flooding and has safe access. This land needs to be shown on a plan in a suitable location (in regard to flood risk, traffic, noise and topography) and subsequently secured via S106 Agreement.

11.4. Notwithstanding SCC's holding objection, SCC Contributions require the following to be secured via S106 Agreement:

- Secondary school transport- £289,200
- Early years: new build contribution £512, 700 and freehold land fully serviced £1
- Monitoring fee- £412

SCC Highways (in conjunction with Travel Plan and Public Rights of Way) would also need to secure contributions as part of any S106 Agreement, however details of those requirements cannot be ascertained at this stage owing to the lack of information supplied with the application.

11.5. The proposal would also be liable for Community Infrastructure Levy (CIL) and would be used to fund the following:

- Primary school expansion- £1,156,956

- Secondary school expansion- £1,141,200
- Sixth form expansion- £237,750
- Libraries improvement- £60,264
- Household waste- £34,596

11.6. This level of funding would enable SCC and BMSDC to deliver the infrastructure and increase capacity of existing infrastructure that may be required as a result of the development in accordance with Neighbourhood Plan policy NM6, Core Strategy policy CS6 and paragraphs 55 and 57 of the NPPF.

12. Parish Council Comments

12.1. Needham Market, Barking and Offton and Willisham town and parish councils have provided comments on the application. These comments have been taken into account and the above report has explored and assessed the planning related issues raised in detail.

PART FOUR – CONCLUSION

13. Planning Balance and Conclusion

13.1 Decision taking begins with the development plan and it is of vital importance that planning decisions are plan-led. The NPPF, an important material consideration, reiterates this fundamental point.

13.2. The application is deficient in a number of ways, with insufficient information being provided in respect of highways, flooding, ecology, minerals, air quality, landscape impact, noise and light pollution and land for an early years setting. The Council cannot be satisfied that the development would be acceptable in relation to those matters in the absence of appropriate detail. It is therefore wholly reasonable that the Council have adopted a precautionary approach where insufficient information has been provided, as the level and type of impact cannot be understood nor appropriately assessed and mitigated on the basis of the information submitted.

13.3. The Council can demonstrate an adequate 5-year housing land supply (measured at 9.54 years), furthermore the 'basket of policies' engaged in determining this application, when taken as a whole, are consistent with the aims of the NPPF by supporting sustainable and appropriate forms of development. The application therefore does not benefit from the engagement of the 'tilted balance'. The proposal is not supported by existing policy (including the Needham Market Neighbourhood Plan) nor emerging policy.

13.4. Whilst the site may be within walking distance of services and facilities, it represents a wholly incongruous and discordant form of development in relation to the immediate and wider context of the area. The infrastructure for supporting active travel is lacking, incoherent and not well integrated with the existing infrastructure. The development represents a highly detrimental encroachment into the countryside and landscape, served by inadequate and unsafe access in all

scenarios and fails to pass the sequential test in the face of being at a significant risk of flooding. Holistically the proposal represents a wholly unsustainable form of development.

- 13.5. When assessed against the policies of the NPPF taken as a whole, the application performs no better. It is contrary to the development plan when taken as a whole and national planning policy and there are no material considerations that justifies a departure from those policies; the harm that has been identified significantly and demonstrably outweighs the benefits.
- 13.6. In conclusion this proposal for outline permission for the erection of up to 279 dwellings with access to be considered represents a wholly inappropriate and discordant form of development, which does not reflect but rather undermines the overall strategy of Mid Suffolk's Development Plan. The application does not accord with the development plan as a whole and permission should be refused. There are no considerations which indicate that a decision should be taken otherwise; the harms clearly and decisively outweigh any benefits.

RECOMMENDATION

- 1) That Members resolve to: REFUSE planning permission, for the following reasons:
- i) The proposal strictly conflicts with the aims of the Needham Market Neighbourhood Plan and Mid Suffolk's Core Strategy policies CS1 and CS2 and Local Plan policy H7, as it is located outside of the settlement boundary for Needham Market and is within the countryside. The development is not allocated and does not accord with the exceptional circumstances tests applied under policies CS2 and H7 and is not considered a countryside compatible development. The proposal would extend the urban edge of Needham Market into a sensitive countryside landscape gap, which would represent an incongruous and discordant growth on the western edge of Needham Market which would not be well integrated and would have minimal relationship with the existing settlement, contrary to Core Strategy policy CS5 and the aims of Needham Market Neighbourhood Plan.
 - ii) There is a single main access into the site along the southern boundary, which is inadequate to serve 279 dwellings and runs through an area at a high risk from pluvial and fluvial flooding. In the event of flooding there would be no means of safe and suitable access in or out of the site. The proposed emergency access onto The Drift (bridleway) north is wholly inappropriate for either irregular and regular/ widespread use and would pose a danger to and discourage users of the bridleway. Notwithstanding its unsuitability, insufficient information has been submitted relating to the how the emergency access would materialise. The submitted site location plan does not show how the emergency access point connects onto the highway. Moreover, the bridleway would need to be upgraded to a byway in order to be used by vehicles, for which separate consent is required prior to determination which has not been sought. Furthermore, insufficient information has been submitted in respect of sustainable transport means through the provision of a suitable travel plan. The Transport Assessment inadequately addresses and accounts for both committed development and planned growth within the area. The development does not offer any coherent or integrated connections to

encourage and support active and sustainable travel to and from the site. Instead, the development proposes a short section of 1.8-metre-wide footway with an uncontrolled crossing point connecting to the substandard existing footway network. The site would therefore be poorly connected to Needham Market. The impacts on the highway network for existing residents and future residents on the site and within the locality would be significant and unacceptable contrary to Neighbourhood Plan policy NM2 and NM10, Core Strategy policy CS4, Local Plan policies T10, T11, T12 and RT12 and paragraphs 8, 100, 104, 105, 110, 112, 113 and 130 of the NPPF.

- iii) The application does not adequately assess the sensitivity and landscape qualities of the site and its surroundings, specifically noting the site partially falls within the Gipping Valley Special Landscape Area. Notwithstanding this, the landscape would be irreparably and detrimentally altered through its development. This area provides an important landscape buffer and gap between Needham Market and Barking, through the transition of an urban area to a rural area. The site slopes and is in a visually prominent and elevated position on the approach into Needham Market. The landscape quality of the area is notably sensitive providing a rural backdrop to Needham Market. Development of the site would represent the loss of very good (Grade 2) agricultural land without adequate justification. The proposal would stand in conflict with Neighbourhood Plan policy NM7, Core Strategy policy CS5, Local Plan policies CL2, CL11 and GP1 and paragraphs 120 and 174 of the NPPF, undermining the character and appreciation of the intrinsic value of the landscape in isolation and within its wider context.
- iv) The site is vulnerable to both fluvial and pluvial forms of flooding. Insufficient information has been submitted to demonstrate that the development would be safe for its lifetime and that it would not increase in flood risk elsewhere. The proposal fails to pass the sequential test. This is contrary to Neighbourhood Plan policy NM2, Core Strategy policy CS4 and paragraphs 159, 162, 167 and 169 of the NPPF.
- v) Insufficient information has been submitted to enable full and sufficient assessment of the ecological potential on site and thus any mitigation required as a result of the development, contrary to Core Strategy policies CS4 and CS5, Local Plan policy CL8 and paragraphs 174 and 180 of the NPPF.
- vi) Insufficient information has been submitted to demonstrate that there would be no adverse impact on air quality within the site and its surroundings from the significant vehicle movements resulting from the development. The proposal is therefore contrary to Core Strategy policy CS4, Local Plan policy H17 and paragraph 174 of the NPPF.
- vii) Insufficient information has been submitted to demonstrate that existing noise and light pollution from Needham Market Football ground and training pitch would not detrimentally affect future residents of the site on the basis of their location and proximity to the club. The proposal conflicts with Core Strategy policy CS4, Local Plan policy H17 and paragraphs 130 and 174 of the NPPF.

- viii) Insufficient information has been submitted to determine the size of sand and gravel deposits and whether these minerals are economically viable to be extracted or used in the construction of the site. If they were economically viable, a separate consent would need to be secured (Suffolk County Council Minerals Extraction Permission) prior to determination. The proposal therefore conflicts with Suffolk Waste and Minerals Plan policy MP10 and paragraphs 209 and 211 of the NPPF.
 - ix) Insufficient information has been submitted to demonstrate that land for an early years setting can be safely accommodated on site in a location that is suitable from a flood risk, highways, noise and topographical perspective. This is a requirement of the scheme owing to its scale and the pressure it will pose on existing infrastructure, as supported by paragraph 95 of the NPPF. In the absence of information, there is inadequate mitigation to accommodate the development without it resulting in undue pressure on school places within the locality.
- 2) In the event that an appeal against the refusal of planning permission is received, delegate authority to the Chief Planning Officer to defend that appeal for the reasons set out under (1) above, being amended and/or varied as may be required.