

Committee Report

Item No: 7B

Reference: DC/21/04476

Case Officer: Alex Scott

Wards: Mendlesham (Part) and Palgrave (Part)

Ward Member/s: Cllr Andrew Stringer and Cllr David Burn

RECOMMENDATION – REFUSE PLANNING PERMISSION

Description of Development

Application for Outline Planning Permission (Access to be considered) - Erection of 14 no. dwellings comprising: 5 no. two bedroom units; 7 no. three bedroom units; and 2 no. four bedroom units.

Location

Land, Norwich Road, Wetheringsett Cum Brockford, Part in the Parish of Stoke Ash and Thwaite, Suffolk

Expiry Date: 24/06/2022

Application Type: OUT - Outline Planning Application

Development Type: Major Small Scale - Dwellings

Applicant: Pryde Homes Ltd

Agent: Mr Simon Loftus

Parish: Wetheringsett Cum Brockford

Site Area: 0.81 hectares

Density of Development:

Gross Density (Total Site): 17.28 dwellings per hectare (dph)

Net Density (Developed Site, excluding open space and SuDs): 21.87 dph

Details of Previous Committee / Resolutions and any member site visit: None

Has a Committee Call In request been received from a Council Member (Appendix 1): Yes

Has the application been subject to Pre-Application Advice: Yes - Ref: DC/21/01279 -

Advice given on 06.04.2021

PART ONE – REASON FOR REFERENCE TO COMMITTEE

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

The application has been referred to Committee at the request of the Ward Member, for the reasons given at Appendix 1.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

NPPF - National Planning Policy Framework
FC1 - Presumption In Favour Of Sustainable Development
FC1_1 - Mid Suffolk Approach To Delivering Sustainable Development
FC2 - Provision And Distribution Of Housing
CS1 - Settlement Hierarchy
CS2 - Development in the Countryside & Countryside Villages
CS3 - Reduce Contributions to Climate Change
CS5 - Mid Suffolk's Environment
CS9 - Density and Mix
GP1 - Design and layout of development
H3 - Housing Development in Villages
H4 - Proportion of Affordable Housing
H7 - Restricting housing development unrelated to needs of countryside
H13 - Design and layout of housing development
H14 - A range of house types to meet different accommodation needs
H15 - Development to reflect local characteristics
H16 - Protecting existing residential amenity
H17 - Keeping residential development away from pollution
T9 - Parking Standards
T10 - Highway Considerations in Development
CL8 - Protecting wildlife habitats

Neighbourhood Plan Status

This application site is within a Neighbourhood Plan Area.

The Neighbourhood Plan is currently at:-

Stage 2: Preparing a draft neighbourhood plan

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

Parish Council (Appendix 3)

Wetheringsett Cum Brockford Parish Council - 07.09.2021:

Recommends Refusal:

- The proposal represents overdevelopment of the site;
- The proposal would result in the loss of previously approved affordable housing;
- The increased number of vehicles what will be generated by the 5 no. additional dwellings;
- The increase in the number of vehicles accessing the A140 on to an already accident blackspot;
- The lack of provision for visitor and delivery car parking.

Stoke Ash and Thwaite Parish Council - 25.08.2021:

Recommend Refusal:

- Additional traffic from additional 5 dwellings will create additional traffic accessing and exiting on to the A140 - an accident blackspot;
- There is no provision on the site for parking visitor vehicles;
- There is no pavement on to the A140;
- The increased number of dwellings represents overdevelopment of the site.

National Consultee (Appendix 4)

Natural England - 23.08.2021:

Natural England has no comments to make on this application.

Anglian Water - 01.09.2021:

No AW assets or those subject to adoption agreement within the development site boundary - The foul drainage from this development is in the catchment of Mendlesham Water Recycling Centre that will have available capacity for these flows - Proposed method of surface water management does not relate to Anglian Water operated assets - Conditions and advisory notes recommended should the LPA be minded to approve.

British Horse Society - 13.08.2021:

No objection to this application in principle - Advise that adjacent footpath 6 can be reasonably alleged to subsist at a minimum bridleway status - Request that the section of footpath 6 identified be upgraded to at least Bridleway status as a condition of any permission granted.

County Council Responses (Appendix 5)

SCC - Highways - 25.08.2021:

The proposed increase from 9 to 14 dwellings would generate a greater number of trips (both vehicular and other modes).

Holding objections:

- The proposed access type should be amended to a Junction type, with footways into the development;

- The site should be connected to Footpath 6;
- Footpath 6 should be improved for an increase in use, and improvements should be secured by way of S106 or S278 agreement/s.

Other comments which are not a point of objection from the Local Highway Authority:

- Do not support such significant developments, remote from access to local amenities, solely reliant on motor vehicle travel, with no safe and suitable walking route to local primary education;
- Consideration should be given to whether development of this scale should be allowed in unsustainable locations and whether sustainable transport and the needs of pedestrians and cyclists have been addressed in the planning submission;
- The site does not contain any public rights of way (PROW), although Public Footpath 6 lies by the eastern boundary of the site.

SCC - Public Rights of Way - 25.05.2022:

The proposal site does not contain a public right of way (PROW) but Public Footpath 6 lies by the eastern boundary of the site - Accept this proposal, subject to a condition requiring surfacing (as specified) of Public Footpath 6 (in the locations as specified) and the existing footpath bridge is replaced.

SCC - Lead Local Flood Authority (LLFA) - 24.08.2021 & 07.04.2022:

Holding objection:

- Up to date flood risk assessment required;
- Sufficiently detailed strategy for disposal of surface water required.

SCC - Archaeology - 19.08.2021 & 02.09.2021:

All work has been completed on this site under the previous planning application - Despite the archaeological potential no archaeology was identified in the trial trenching - No further work is required on this site.

SCC - Travel Plans - 16.08.2021:

No comment to make - The development does not meet the threshold that requires a Travel Plan.

SCC - Fire and Rescue - 18.08.2021:

Recommend that fire hydrants be installed within the development and condition advised - Recommend that consideration be given to the benefits derived from the provision of an automatic fire sprinkler system.

SCC - Developer Contributions - 01.09.2021 & 04.02.2022:

Secondary expansion and Sixth form expansion Education, Libraries improvements, and Household Waste, contributions to be sought through CIL - Primary School Transport, Secondary School Transport, Improvements to Footpath 6, and Highways contributions to be secured via S106.

Suffolk Constabulary - 24.08.2021:

Not enough information to make a formal representation on the layout and design of dwellings - Recommend site is built in line with Secured by Design (SBD) Homes 2019 principles.

Internal Consultee Responses (Appendix 6)

MSDC - Heritage Team - 18.08.2021:

The Heritage Team have no comments to make on the application.

MSDC - Environmental Protection - Land Contamination - Initial comments 07.09.2021:

No Objection - Subject to Condition.

MSDC - Environmental Protection - Land Contamination - Re-consultation comments 05.04.2022:

In light of newly submitted letter from NPL dated 17th March 2022: Confirm no cause to amend previous recommendations made on the 7th September 2021.

MSDC - Environmental Protection - Noise/Odour/Light/Smoke - Initial comments 19.08.2021:

Updated Noise Assessment required to reflect the on-site changes - Recommend refusal if not forthcoming.

MSDC - Environmental Protection - Noise/Odour/Light/Smoke - Re-consultation comments 05.05.2022:

Recommend condition requiring further noise assessment prior to commencement and further actions also to be conditioned prior to occupation - Construction hours, and prohibition of burning on-site during site clearance, demolition and construction phases conditions also recommended.

MSDC - Environmental Protection - Sustainability - 02.09.2021:

Condition requiring a scheme for the provision and implementation of water, energy and resource efficiency measures for the lifetime of the development, required.

MSDC - Public Realm - 02.09.2021:

Do not wish to offer any comments - There is no public open space associated with this development.

MSDC - Strategic Housing - 01.09.2021:

35% affordable housing contribution required, equating to onsite delivery of four affordable dwellings and a financial contribution for the residual 0.9 of a dwelling - If on-site delivery cannot be achieved, a commuted sum to a maximum of £372,086.00 should be secured - Advise the viability appraisal submitted with the application needs to be reviewed by a suitably qualified person in order to determine whether the approach suggested by the applicant is appropriate.

B: Representations

At the time of writing this report at least 7 letters/emails/online comments have been received. It is the officer opinion that this represents 7 objections, 0 support and 0 general comment. A verbal update shall be provided as necessary.

Views are summarised below:-

- The current proposal increases the number of dwellings on the site from 9 no. to 14 no., and increase in 5 no. dwellings, with the expectation of acceptance;
- The current proposal changes the nature of the development previously proposed into a housing estate in a very small village;
- Concerns regarding the development's impact on the A140 and Highway Safety;
- Concerns that insufficient on-site parking has been proposed, consider future occupants will not use garages for car parking, that insufficient visitor parking has been proposed, and that parking will spill out onto the A140, posing a danger to highway users;
- Concerns with regards highway safety with regards to additional cars pulling out onto the A140, on which people regularly exceed the 30mph speed limit;
- Concerns with regards access visibility splays proposed, which are considered to be insufficient, and with maintaining vegetation to maintain visibility splays;
- Proposal would result in overdevelopment of the site and move away from the linear character of development at Brockford Street;
- Proposed density and layout is not in keeping with the rural location;

- More needs to be done to screen the proposed new dwellings from the existing ones and from Griffin Lane in relation to noise and light pollution;
- Do not consider there is a need for the additional houses and question whether an analysis of local housing need has been carried out in recent months, since the previous approval for 9 dwellings on the site was granted;
- Concerns with regards drainage, surface water runoff, and flood risk in relation to the proposed development and impact on neighbouring properties;
- Concerns with regards the additional light pollution which would result from the additional dwellings proposed and question with regards proposed streetlighting;
- Concerns with regards overlooking of existing properties;
- Concerns with regards the loss of and works to boundary trees adjacent to existing neighbouring properties;
- Regret that SCC do not consider a Travel Plan is necessary in association with the proposed development.

(Note: All individual representations are counted and considered. Repeated and/or additional communication from a single individual will be counted as one representation.)

PLANNING HISTORY

REF: DC/20/00324	Planning Application. Erection of 9no dwellings with associated private amenities and parking.	DECISION: GTD 06.10.2020
REF: DC/21/06278	Discharge of Conditions Application for DC/20/00324- Condition 3 (Noise Prevention Measures), Condition 8 (Contamination), Condition 9 (Archaeological Works), Condition 12 (Improvement of Existing Access), Condition 14 (Provision of Roads and Footpaths), Condition 16 (Provision of Parking) and Condition 18 (Construction Management)	DECISION: GTD 10.02.2022
REF: DC/22/00770	Discharge of Conditions Application for DC/20/00324- Condition 5 (Noise Control) and Condition 10 (Archaeological Works)	DECISION: GTD 18.03.2022
REF: DC/22/01405	Discharge of Conditions Application for DC/20/00324 - Condition 7 (Details of Illumination) and Condition 17 (Refuse Bins and Collections Areas).	DECISION: GTD 05.05.2022
REF: 0189/92/OL	SEVERANCE OF LAND FOR ERECTION OF A TWO STOREY DWELLING AND GARAGE, WITH LAYOUT AND CONSTRUCTION OF NEW VEHICULAR ACCESS AND ACCESS DRIVE AND PRIVATE SEWAGE TREATMENT PLANT.	DECISION: GTD 27.06.1994

PART THREE – ASSESSMENT OF APPLICATION

1. The Site and Surroundings

- 1.1. The applicant site extends to 0.81 hectares and is located to the eastern side of the main A140 highway at the village of Brockford Street.
- 1.2. The southern two-thirds of the site area lie within the Parish of Wetheringsett Cum Brockford, and the northern third lies within the Parish of Stoke Ash and Thwaite.
- 1.3. The A140 highway lies immediately to the west of the site, with an existing estate of 7 no. dwellings beyond. To the south-east and south west lie 7 no. other existing dwellings fronting either the A140 or Griffin Lane, which continues along the south-east side of the site as a public footpath (Public Footpath no. 6). To the north of the site lies another dwelling at Ashlea, with Petrol Station, Convenience Shop, Car Wash, and Vehicle Repair businesses beyond.
- 1.4. Brockford Street is designated as a countryside village in the current development plan and the site lies outside of the village settlement boundary, as originally designated in the 1998 Local Plan.
- 1.5. The River Dove flows adjacent to the south-east of the site, however the site is shown to be located completely within Environment Agency (EA) Flood Zone 1.
- 1.6. Several Grade II Listed Buildings lie within the historic core of Brockford Street, south of the proposal site, the nearest of which, at Griffin House (Listed as 'The Old Griffin'), lies approximately 80 metres to the south of the site, with three other existing properties in between.
- 1.7. The site is currently being developed in relation to an extant planning permission for 9 no. dwellings on the same site (planning permission ref: DC/20/00324).

2. The Proposal

- 2.1. The application seeks Outline Planning Permission, with all matters reserved save for access, for the erection of 14 no. dwellings on the site.
- 2.2. Although matters relating to layout, scale and appearance are presently reserved the application is specific in the description of development that the following mix of dwellings is proposed:

Market Dwellings

Two Bedroom Units	= 5 no.
Three Bedroom Units	= 7 no.
Four Bedroom Units	= 2 no.
TOTAL (Market Dwellings)	= 14 no.

- 2.3. The indicative layout provided indicates that it is the current intention to provide 12 no. semi-detached dwellings and 2 no. detached dwellings, with garages also proposed for the majority of properties. Such matters are, however, presently reserved.

- 2.4. The indicative layout provided shows all dwellings would front towards the centre of the site, with rear gardens backing on to west, east and south-east boundaries and side boundaries presenting to north and south-west boundaries. The indicative layout shows dwellings fronted by driveways, parking and the principle estate road, with 4 areas of open space and tree planting to the centre. A buffer zone and tree planting is proposed between the proposed properties and the A140 and tree planting is indicated to be retained to all site boundaries.
- 2.5. The applicant has not proposed on-site delivery of Affordable Housing as part of the proposal and a viability assessment has been included as part of the development proposal in this respect, which has been reviewed by the Valuation Office Agency. Further details and analysis in this respect are provided.
- 2.6. Proposed access is in the location of the current site access, to the north-west corner of the site adjacent to and accessing the main A140 highway, adjacent to the existing neighbouring property at Ashlea.

3. The Principle of Development

- 3.1. Although it is acknowledged that there is an extant full planning permission for 9 no. dwellings on the same site (ref: DC/20/00324), this was granted at a time when the District had only just secured a 5 year housing land supply position, and at 5.66 years, was only just in excess of the 5 year requirement. Furthermore in comparison the current application relates to the erection of 5 no. additional dwellings and fundamentally alters the nature of the development from a minor to a major proposal. The proposed additional dwellings are, therefore, significant in assessing the principle of the development now proposed.
- 3.2. The application site is currently proposed for allocation in the emerging Wetheringsett Cum Brockford neighbourhood plan for 10 no. dwellings, provided that it delivers a proportionate increase in affordable housing. Although the policies proposed by way of the current pre-submission draft (March 2022) do not yet hold any significant weight, this draft document does at least give an indication on the direction of planning policy travel in the parish, which does not indicate support for the current proposal on a point of principle going forward, due to the number of dwellings and no affordable housing proposed.
- 3.3. As an outline application for the erection of 14 no. dwellings (or 5 no. additional dwellings) on the site, the proposal has been assessed having regards to Mid Suffolk Local Plan (adopted 1998) saved policies GP1, H3, H4, H7, H13, H14, H15, H16, H17, T9, T10, CL8, and Core Strategy (adopted 2008) policies CS1, CS2, CS3, CS5 and CS9 and the Core Strategy Focused Review together with the NPPF (2021).
- 3.4. The application site is outside the settlement boundary for Wetheringsett-cum-Brockford and as such is classed as a countryside location under Policy CS1 of the Core Strategy Development Plan (2008). In countryside locations development will be restricted to particular types of development to support the rural economy, meet affordable housing, community needs and provide renewable energy. As such the proposal is for new residential development in the countryside, contrary to H7 of the Local Plan, and CS1 and CS2 of the Core Strategy.
- 3.5. The Council can currently demonstrate that it has an adequate 5-year housing land supply measured at 9.54 years. As such, this element does not engage the tilted balance requirement of the NPPF in itself. However, given the age of both the Core Strategy and the Local Plan, and given that they pre-date the publication of the revised NPPF, consideration must be given to their compliance with the NPPF and as such the associated weight of the policy. The question whether

the presumption in favour of sustainable development is therefore engaged in the circumstances of this application needs to be considered. Policies CS1 and CS2 jointly set out the spatial strategy for the district in directing how and where new development should be distributed. They are not expressly prohibitive of new development in the countryside and allow for new development that is in accordance with them. Read together the policies provide a strategy for the distribution of development that is appropriate in recognising local circumstances and their overall strategy remains sound. This is because they take a responsible approach to spatial distribution, requiring the scale and location of new development to take into account local circumstances and infrastructure capacity. These elements are consistent with the NPPF.

- 3.6. Policy H7 states that new development will normally form part of existing settlements and that outside of settlement boundaries proposals for new housing will be strictly controlled. It is explained within the policy that this is in the interests of protecting the existing character and appearance of the countryside. It has been found that H7 does not directly preclude new development in the countryside; clearly, as a saved policy within the development plan it must be read alongside policies CS1 and CS2 and it is consistent with them. It is notable that the desire to protect the countryside as a resource is also reflected within the NPPF where it is stated at paragraph 174 that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside. Here, “recognition” must itself import a degree of protection and so the sentiment behind policy H7 is consistent with the NPPF.
- 3.7. As a matter of judgement the generally restrictive approach to housing in the countryside set out within those policies is not entirely consistent with the NPPF, where development that is otherwise sustainably located and acceptable in other respects might nevertheless be refused if those policies were applied with full force. This position has been recognised in previous appeals, and the Council in approving other housing development even where a five-year housing land supply can be demonstrated. There is a not too dissimilar ‘*special circumstances*’ test at NPPF paragraph 80 but that only applies to sites that are physically separated or remote from a settlement. It is this policy approach (alongside paragraphs 78 and 79, among others) within the NPPF that is infringed by the proposal. Therefore, irrespective of whether elements of policies CS1, CS2, and H7 are out of date, the parts of those policies that are up to date are those which are being breached by the application development and directly apply to its consideration. It is those policy parts that are up to date and they attract a substantial weighting in this decision. These policies are consistent with the need to enhance and maintain villages and rural communities, and avoid new isolated homes, as set out within paragraphs 78, 79, and 80 of the NPPF. Further, CS1, CS2 and H7 also reflect NPPF paragraph 105 which provides that the planning system should actively manage patterns of growth and focus significant development on locations which are or can be made sustainable.
- 3.8. Having established a housing land supply which demonstrably and significantly proves that the Council is boosting significantly the supply of homes it is considered that the management of new development to more rather than less sustainable locations is an important development plan purpose which is consistent with the thrust of the NPPF. It is therefore appropriate to afford a substantial weighting to policies CS1, CS2, and H7 in the circumstances of this site in a less sustainable location. They are “up to date” in so far as they apply to the circumstances of this application where the Council can show that it has demonstrably and significantly taken steps to boost significantly the supply of homes and where continued windfall piecemeal development in less sustainable countryside locations would materially compromise the spatial strategy of the Council and undermines the aims and objectives of those policies.

- 3.9. The NPPF sets out three dimensions for sustainable development, environmental, social and economic. The dimensions in the context of the proposed scheme are assessed in detail below.

4. Sustainable Development Considerations

- 4.1. Brockford Street has a petrol station, garage and convenience shop. The village of Mendlesham is located approx. 2km from the site (in a straight line). Mendlesham has a shop, post office, hairdresser, public house, doctors' surgery, and other services needed for daily living. The village of Wetheringsett is located approx. 1km from the site (in a straight line). Wetheringsett has a school, church and village hall. By way of the nature of the A140, on highway safety grounds, it would be unreasonable to expect occupiers to walk or cycle along this road.
- 4.2. Generally, future occupiers of the proposed dwellings would be reliant on the private motor vehicle to access day facilities for day to day living, and could not in any reasonable event be expect to walk to local amenities save for the petrol station shop. The wider area is predominantly rural such that car travel would often be essential and, at times, unavoidable for local residents. That said, a bus stop exists to the south of the site, on the intersection of the A140 and Cedars Hill. This bus service offers daily services to Diss, Eye and Ipswich and the timings of the services would allow occupants to utilise this for employment opportunities.
- 4.3. To consolidate housing development in this less sustainable location, where reliance on the private car is foreseeable, would inevitably increase that for much day to day living by occupants here. Such public transport use, as there might be, would be limited in reality. This would be an undesirable outcome in terms of sustainable development and at odds with the environmental thrust of national and local planning strategy for new housing.
- 4.4. In respect of the social strand of sustainable development, the proposal would produce 5 no. additional dwellings, and no affordable housing, which would provide a minimal contribution to the district's already buoyant housing supply, with no benefit to those requiring affordable housing, and whilst the proposed dwelling is not in an isolated location there are very limited facilities or services nearby. It is unlikely that any demonstrable public benefit will sufficiently materialise from the additional use of these facilities to sustain or enhance their vitality within the community. As such the social benefits are considered very limited and could be more sustainably provided in development elsewhere. This benefit is further reduced given that the Council can at this time demonstrate a housing land supply significantly in excess of five years. Whilst this is not a cap on development it is nonetheless the case that land for new homes is being made available in the District including within more sustainable locations, such that the benefit in this regard must be considered minimal.
- 4.5. Economically, the proposal would generate a minor benefit for local trade and predominately arise during the construction phase which would be short term and small, in addition to the development which has already commenced on site. Once occupied, there would be minor economic benefit to Brockford Street itself, owing to the absence of facilities. Again, the benefit to the community and society of the application in this regard is minimal.
- 4.6. The meaningful social and economic benefits here are limited. The environmental harm is moreover a material disbenefit in all the circumstances. Taken in the round it is considered that the development would not on its own facts deliver on the three objectives for sustainable development set in the NPPF.

5. Sustainability

- 5.1. Your Environmental Protection Officers have been consulted on the application proposal and have recommended a condition requiring a scheme for the provision and implementation of water, energy and resource efficiency measures for the lifetime of the development, is required, should members be minded to approve.

6. Flood Risk and Drainage

- 6.1. 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.
- 6.2. 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.
- 6.3. The NPPG provides that the particular types of SuDS may not be practicable in all locations.
- 6.4. In addition to the above, the NPPF also requires that developments do not increase flood risk elsewhere.
- 6.5. SCC-Local Lead Flood Authority (LLFA) have been consulted on the application proposal and are not satisfied with regards the current level of details provided by the applicant in relation to flood risk assessment and scheme of surface water disposal. As such the LLFA continue to raise a holding objection until such matters are satisfactorily resolved.
- 6.6. As such your officers currently recommend refusal on the basis of insufficient information in relation to flood risk and surface water drainage currently provided by the applicant and the current flood risk this currently carries.

7. Site Access, Parking and Highway Safety Considerations

- 7.1. The proposed means of access is a matter for full consideration as part of this outline application and has not been reserved. Matters relating to the proposed layout, including estate road, private driveways and on-site turning and parking are presently reserved and plans are indicative at present.

- 7.2. The local highway authority has been consulted on the application proposal and has raised concern with regards the principle of the proposed major development due to the site's location, remote form services and facilities and lack of sustainable transport connections to, and to primary education in particular.
- 7.3. The local highway has also expressed concern with the detail of the access layout and design currently proposed which is considered insufficient in relation to the scale of the development currently proposal and, as such, a revised proposal for a junction style access has been requested from the applicant.
- 7.4. The local highway authority has also requested that connections and improvements are proposed between the site and the adjacent public footpath no. 6, at Griffin Lane, to the rear of the site.
- 7.5. The local highway authority has not commented specifically on proposed on-site turning and parking, matters relating to which are presently reserved, however, the indicative layout does shown each 2 and 3 bedroom dwelling to be provided with on-site parking for at least 2 no. vehicles, and each 4 bedroom dwelling provided with turning and parking for at least 3 no. vehicles, consistent with current advisory parking standards.
- 7.6. Comments raised by the parish councils and third parties in relation to the lack of visitor parking are noted, however, it is considered that sufficient space remains within the site for additional visitor parking to be provided consistent with current standards, which could be included as part of a detailed reserved matters proposal.
- 7.7. Overall, subject to suitable amendments and improvements being secured as advised by the local highway authority, your officers do not consider the proposal would result in a severe impact on existing highway safety, having considered the provisions of development plan policies T9 and T10, having had regard to the provision of the NPPF, as a material planning consideration. However, whilst the amendments have been received these have not yet been approved by the LHA, such that as it stands the proposal is not acceptable, and requires amendments to address this.

8. Design and Layout [Impact on Street Scene]

- 8.1. Details regarding the final layout, scale and appearance of buildings and landscaping of the site are presently reserved.
- 8.2. Although the indicative layout currently presented is considered to be rather cramped and constrained to the southern part of the site, due to the proximity of buildings to site boundaries and cramped and contrived private rear gardens, it is considered that such matters could be suitably resolved by way of a revised formal layout as part of served matters.
- 8.3. Overall the proposed development is considered to propose a suitable mix of 2, 3 and 4 bedroom dwellings and the overall density of development proposed (17.28 dwellings per hectare) is not considered out of keeping with that of the existing village. As such, your officers do not agree that the current proposal represents overdevelopment, as has been asserted by the parish councils and third parties.

9. Heritage Issues

- 9.1. Although several Grade II Listed Buildings lie within the historic core of Brockford Street, south of the proposal site, the village does not include a designated conservation area.

- 9.2. The nearest listed building to the proposal site is Griffin House (Listed as 'The Old Griffin'), lies approximately 80 metres to the south of the site, with three other existing properties in between. The proposal site is not, therefore, considered to directly affect the setting and significance of this or any other heritage asset at the core of the village.
- 9.3. Your heritage officers have been consulted on the application proposal and have advised that they have no comments to make on the current application. As such, your planning officers do not consider the current proposal would result in demonstrable harm to the setting and significance of any of the heritage assets at the historic core of the village.
- 9.4. SCC-Archaeology have also been consulted on the application and have advised that a programme of archaeological work has already been completed on the site under the previous planning application (ref: DC/20/00324).
- 9.5. SCC-Archaeology advise that despite the site's archaeological potential no archaeology was identified in the trial trenching and, as such, they advise no further work is required on this site.

10. Impact on Residential Amenity

- 10.1. Your environmental protection officers have assessed the application proposal and have raised concern with regards the potential noise impacts from the adjacent A140 and adjacent Garage and Petrol Station on the amenities of further occupants. As such, further noise assessment and mitigation measures would need to be secured by way of condition.
- 10.2. Whilst it is acknowledged that layout, scale, appearance and landscaping matters are currently reserved it is considered that the proposed development would result in acceptable back to back dwelling distances and proposed buildings are considered to be an acceptable distance from neighbouring boundaries and dwellings. Details relating to fenestration layout and overlooking potential are presently reserved, for consideration as part of reserved matters.

11. Ecology, Biodiversity and Protected Species

- 11.1. The current site is in the process of being developed and, therefore, is not considered to provide a suitable environment for ecology.
- 11.2. The indicative scheme of landscaping is considered to retain strong landscape and open space buffering, incorporating appropriate tree planting to all 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 edge of the site, to the benefit of ecological species.
- 11.2. Overall the landscaping scheme indicated is considered to adequately 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.

12. Land Contamination

- 12.1. The applicant has provided a desk based contaminated land assessment with the application proposal, carried out by a suitably qualified individual, which concludes that it is not considered that the site would be designated "Contaminated Land" within the meaning of Part 2A of the Environmental Protection Act 1990.

- 12.2. Your contaminated land specialists have assessed the proposal have not raised objection in principle but have advised that further contaminated land investigation be secured by way of condition.
- 12.3. As always the developer is advised to contact the Council should any unexpected ground conditions be encountered during construction, and the advised minimum precautions should be taken until such time as the Council responds to the notification. The developer is also advised that responsibility for safe development of the site lies with them.

13. Affordable Housing

- 13.1. Altered Policy H4 of the Local Plan states that:

“The District Planning Authority will seek to negotiate an element of Affordable Housing of up to 35% of the total provision of Housing on appropriate sites. Negotiations with developers will take account of the identified local needs, the economics and viability of development and the availability of local services.

The site size thresholds for this policy are:

- Sites of 15 dwellings or more or sites of 0.5 hectare and above, in Stowmarket and Needham Market;
- Sites of 5 Dwellings or more or sites of 0.17 hectare and above, in the remainder of Mid Suffolk.

To prevent the loss of Affordable Housing to the general housing market, the District Planning Authority will, where appropriate, expect long term safeguards to be in place to ensure the benefit of affordable housing will be enjoyed by successive occupiers. This will normally be secured by an agreement under section 106 of the Town and Country Planning Act 1990.”

- 3.2. In addition to the above current planning policy provision paragraphs 65 and 69 of the current NPPF (2021) are also considered relevant as a material consideration, which expects at least 10% of the total number of homes to be available for affordable home ownership for major developments schemes (such as the current proposal for over 10 dwellings on a site of over 0.5 hectares). This material consideration provision affects the size thresholds section of Altered Policy H4 and effectively increases this provision to sites of 10 dwellings or more, or on sites of 0.5 hectare and above for the remainder of Mid Suffolk.
- 3.3. The current application is supported by a viability assessment which had been assessed by the Valuation Office Agency who conclude that, although the proposed development would result in a financial surplus, this would be less than the value of 1 no. affordable dwelling, as identified by your Strategic Housing Officers.
- 3.4. Your officers therefore advise that the viability assessment permitted by altered policy H4 concludes that on-site delivery of affordable housing is unviable as part of the current proposal. A financial contribution towards delivery of affordable housing elsewhere will however be able to be secured by way of S106, however being less than the value of 1 no. affordable dwelling.
- 3.5. On-site delivery of affordable housing is considered to be a key component of the draft Neighbourhood Plan Allocation policy WCB1 and as such the proposal is considered to weigh

negatively in the planning balance in this respect, having had regard to the direction of planning policy travel and social disbenefit that would result in this regard.

14. Other Planning Obligations

- 14.1. SCC have assessed the application proposal and advise that: Secondary expansion and Sixth form expansion Education, Libraries improvements, and Household Waste, contributions to be sought through CIL, and that: Primary School Transport, Secondary School Transport, Improvements to Footpath 6, and Highways contributions should be secured by way of S106, should the application be supported in all other respects.

15. Parish Council Comments

- 15.1 The matters raised by Wetheringsett Cum Brockford Parish Council and Stoke Ash and Thwaite Parish Council have been addressed in the above report.

PART FOUR – CONCLUSION

16. Planning Balance and Conclusion

- 16.1. The basket of most important policies here, CS1, CS2, CS5, CS9, FC1, FC1.1, H4, H7, GP1, H13, H14, H15, H17, H17, T9, T10 and CL8, are, on the balance of probabilities, considered to be up to date insofar as they relate to this application, the site and its circumstances. It is therefore considered that the presumption in favour of sustainable development should not be engaged in the determination of this application. Even if the "tilted balance" were considered to be engaged the significant and demonstrable harm to the strategic purpose of the development plan in achieving sustainable development through good design would be such that planning permission should not be granted.
- 16.2. The proposal development is not considered to comprise sustainable development, contrary to the Development Plan and NPPF.
- 16.3. The principle of the proposed development is not, therefore, compliant with the NPPF and policies within the Development Plan and is therefore not considered acceptable. The recommendation is therefore to refuse planning permission on a point of principle.
- 16.4. In addition the applicant has not provided sufficient information in relation to flood risk and surface water drainage and as such the current proposal is considered to carry a significant unaddressed flood risk, contrary to the provisions of NPPF section 14.
- 16.5. No significant objection at this stage is raised with regards issues relating to : Layout and Design; Landscaping; Heritage Assets; Land Contamination; Ecology or Residential Amenity, subject to agreed details.
- 16.6. Highway safety issues are not considered to result in a severe impact, subject to amendments, which as yet have not received the approval of the LHA.

RECOMMENDATION

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

1. REASON FOR REFUSAL - UNSUSTAINABLE LOCATION

The proposal is located in the countryside where the development of a new dwelling would not materially enhance or maintain the vitality of the rural community. Future occupants will, moreover, be likely to be reliant upon the private car to access services, facilities and employment. The District Council has an evidenced supply of land for housing in excess of 9 years and has taken steps to boost significantly the supply of homes in sustainable locations.

On this basis the proposal would not promote sustainable development and would be contrary to the adopted policies of the development plan which seek to direct the majority of new development to towns and key service centres listed in the Core Strategy 2008 with some provision to meet local needs in primary and secondary villages under policy CS1. In the countryside development is to be restricted having regard to policy CS2 and it is considered that in the circumstances of this application the direction of new housing development to more sustainable locations is of greater weight than the delivery of one additional dwelling in a less sustainable location. Having regard to the significant supply of land for homes in the District it is considered that the objectives of paragraph 60 of the NPPF are being secured and that on the considerations of this application the objective to boost significantly the supply of homes should be given reduced weight.

Whilst the NPPF presumption in favour of sustainable development is applicable to the application it is considered that the development of this site would cause adverse impacts to the proper planning of the District having regard to the above mentioned development plan objectives to secure planned development in more sustainable locations rather than piecemeal development in less sustainable locations which significantly and demonstrably outweigh the limited benefits of this development.

As such the proposal is not acceptable in principle, being contrary to paragraphs 8 and 11 of the NPPF (2021), Policy H7 of the Mid Suffolk Local Plan (1998), Policies CS1 and CS2 of the Core Strategy (2008) and Policy FC1 and FC1.1 of the Core Strategy Focused Review (2012).

2. REASON FOR REFUSAL - INSUFFICIENT FLOOD RISK INFORMATION PROVIDED

The applicant has not provided sufficient flood risk and surface water treatment and disposal information with the application, to the satisfaction of the Lead Local Flood Authority and Local Planning Authority.

The current proposal, therefore, presents a flood risk contrary to the provisions of section 14 of the NPPF.