

Committee Report

Item No: 8D

Reference: DC/21/06158

Case Officer: Mahsa Kavyani

Ward: Onehouse.

Ward Member/s: Cllr John Matthissen.

RECOMMENDATION – REFUSE PERMISSION WITH REASON/S

Description of Development

Full Planning Application - Erection of 18No dwellings (including 9No affordable units) with associated parking and external works.

Location

Land Off, Pear Tree Place, Great Finborough, Suffolk

Expiry Date: 27/06/2022

Application Type: FUL - Full Planning Application

Development Type: Major Small Scale - Dwellings

Applicant: Ruby Homes (East Anglia) Ltd

Agent: Last & Tricker Partnership

Parish: Great Finborough

Site Area: 0.944 hectare

Density of Development:

Net Density (Developed Site, excluding open space and SuDs): 19 per hectare

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): No

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

PART ONE – REASON FOR REFERENCE TO COMMITTEE

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

The development is a major development of 15 or more residential units and outside the scope of current delegation arrangements.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

CLASSIFICATION: Official

NPPF - National Planning Policy Framework
NPPG-National Planning Policy Guidance
FC01 - Presumption In Favour Of Sustainable Development
FC01_1 - Mid Suffolk Approach To Delivering Sustainable Development
GP01 - Design and layout of development
CS01 - Settlement Hierarchy
CS02 - Development in the Countryside & Countryside Villages
CS05 - Mid Suffolk's Environment
H07 - Restricting housing development unrelated to needs of countryside
H13 - Design and layout of housing development
H15 – Development to Reflect Local Character
H16 - Protecting existing residential amenity
T09 - Parking Standards
T10 - Highway Considerations in Development
H04- Proportion of Affordable Housing
CL08 - Protecting wildlife habitats
H14 - A range of house types to meet different accommodation needs

NPPF - National Planning Policy Framework
NPPG-National Planning Policy Guidance

Neighbourhood Plan Status

This application site is not within a Neighbourhood Plan Area.

Consultations and Representations

During the course of the application Consultation and Representations from third parties have been received. These are summarised below:

A: Summary of Consultations

Town/Parish Council(s) (Appendix 3)

Great Finborough Council:

- No objections

National Consultees (Appendix 4)

Historic England:

- No comments

Natural England:

- No comments

County Council Responses (Appendix 5)

Archaeology:

- Site lies within an area of archaeological potential.
- No ground for refusal.
- Conditions recommended

Active Travel Officer: No comments

Fire and Rescue:

- Development must comply with Building Regulations for access and fire fighting facilities.
- No additional water supply is required.
- Sprinkler system should be considered.

Flood and water:

- Recommend condition
- Development must comply with Building Regulations for access and fire fighting facilities.
- Consultation should be made with the Water Authorities to determine flow rates in all cases
- Sprinkler system should be considered.

Highways:

- Conditions to secure access works, visibility splays, surface materials and HGV deliveries management plan.
- Construction management plan recommended.

Internal Consultee Responses (Appendix 6)

Strategic Housing officer:

- No objection on revised housing mix, to indicate acceptability of revised proposals.

Ecology:

- Sufficient information to determine
- No objection subject to mitigation

Environmental Health – Land contamination: No objection

Environmental Health – Air quality: No comments

Environmental Health – Noise / Odour / Light: No objection, conditions recommended

Environmental Health – Sustainability: No objection, condition recommended

Heritage Officer:

- While the proposals are not considered to be in keeping with the character and appearance of the village, in regards to Paragraph 197(c) of the NPPF, there are no heritage objections to the proposals. The change in the setting of the listed building caused by the proposed residential development would not harm the significance of the listed building.

Landscape:

- The landscape plan fails to show the quantity and location of the SuDS basin inlet.
- Further details of hard landscaping are required, such as the finish; size and colour of aggregate and the permeability of the “bound shingle”.
- A low hedge or planting should be considered to provide an effective barrier instead of the railings.
- The maintenance schedule would benefit from a plan showing the extent of the communal areas covered by the LMP, maintenance prescription of thickets and hedges should be separated and fails to include sufficient detail on maintaining the SuDS system

- No objection.
- Conditions recommended.

Waste Management:

Thank you for re-consulting Waste Services. The wheeled bin presentation points have been moved as advised and agreed. The vehicle tracking document does not use the vehicle specification provided for the 32-tonne refuse collection vehicle, please amend accordingly to ensure access is suitable for the vehicle used

Officer note: This amendment has not been secured, noting the in principle objection.

Sustainability Officer:

- No objections subject to conditions

Public realm: No objections

Infrastructure team: No objection, calculated contribution is provided

B: Representations

At the time of writing this report at least 2 letters/emails/online comments have been received, including additional or reiterated comments received during re-consultation. It is the officer opinion that this represents 2 objections, 0 support and 0 general comment. A verbal update shall be provided as necessary.

Comments are summarised below:-

- Landscape and visual impact
- Loss of outlook
- Noise
- Overdevelopment
- There is already sufficient capacity in the grid
- Not green or carbon friendly
- Impacts on health and wellbeing
- Does not meet the needs of the community
- Contrary to local plan and unsustainability
- Light pollution
- Loss of Open Space
- Inadequate Access
- Loss of Privacy
- Harmful Impact on Wildlife

(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/18/03710

Full Planning Application - Erection of 7no. dwellings, garages and access road.

DECISION: GTD
06.12.2018

REF: DC/19/04862	Discharge of Conditions Application for DC/18/03710 - Condition 3 (Materials), Condition 4 (Archaeological Works), Condition 5 (Archaeological Works), Condition 8 (Surface Water Discharge Prevention), Condition 9 (Roads and Footpaths) and Condition 13 (Landscaping Scheme).	DECISION: PGR 06.12.2019
REF: DC/19/04912	Full Planning Application - Erection of 9No Dwellings and creation of new access.	DECISION: REF 04.12.2019
REF: DC/20/00288	Discharge of Conditions DC/18/03710 - Condition 8 (Surface Water Discharge), Condition 9 (Provision of Roads and Footpaths) and Condition 13 (Landscaping Scheme)	DECISION: GTD 19.05.2020
REF: DC/21/02967	Discharge of Conditions Application for DC/18/03710- Condition 6 (Disposal of Surface Water) and Condition 12 (Lighting Design Scheme)	DECISION: GTD 07.09.2021
REF: DC/21/02968	Discharge of Conditions Application for DC/19/04912 allowed under Appeal Reference APP/W3520/W/20/3244755- Condition 4 (Construction Methodology), Condition 5 (Disposal of Surface Water), Condition 6 (Landscape Management Plan), Condition 9 (Fire Hydrants) and Condition 10 (External Lighting)	DECISION: GTD 22.10.2021
REF: DC/21/06158	Full Planning Application - Erection of 18No dwellings (including 9No affordable units) with associated parking and external works.	DECISION: PCO

PART THREE – ASSESSMENT OF APPLICATION

1. The Site and Surroundings

- 1.1. The application site comprises pasture/agricultural field to the south and outside the settlement boundary of Great Finborough, which is designated as Primary Village in the Core Strategy. It is bounded to the west by residential properties off High Road (B1115), including Pear Tree Close, south by latest approval under (DC/21/02077) and to the north by the recently completed scheme under (DC/19/04912 allowed at appeal). Agricultural land surrounds the site to the east.
- 1.2. The site slopes gently from west to east and is bounded by drainage ditches. The application site measures approximately 0.944ha and is relatively level land.

- 1.3. There is an existing vehicular access to the site from the public highway in Pear Tree Place. An access was approved as part of previous scheme now expired (June 2021) ref. DC/17/04968.
- 1.4. The site is not in or abutting a Conservation Area (there are no Conservation Areas in the village). The nearest listed building is located 70m northwest (Thatched Cottage). The site is not within the boundary of a protected landscape and there are no designations that apply to the application site. The land to the north which is separated by recent development under DC/19/04912 is known as Woodpecker Hill and is designated Visually Important Open Space ('VIOS').
- 1.5. There are no protected landscape features within the site, and there are no TPOs within the application site.
- 1.6. The site is situated in Flood Zone 1 where the risk of flooding is minimal, according to the Environment Agency's Flood Map.

2. The Proposal

2.1 "The proposal comprises an application for full planning permission for the erection of 18 dwellings, associated infrastructure, and landscaping. Public open space and attenuation ponds are also included within the proposal. A total of 9 affordable units are proposed. Alongside these, a total of 4 self-build plots are also included. These self-build plots lie towards the south western end of the site. The overall mix provides for the following;

- 2 x 1 bed units;
- 5 x 2 bed units;
- 6 x 3 bed units;
- 5 x 4 bed units.

2.2 The proposed dwellings feature different design aspects; please note below table and illustration:

2x 1 Bed, 5x 2Bed, 6x 3Bed, 5x 4Bed		
Unit 10	SB	4 Bed House 164m ²
Unit 11	SB	4 Bed House 164m ²
Unit 12		3 Bed Bungalow 133m ²
Unit 13		3 Bed Bungalow 100m ²
Unit 14	A	1 Bed Flat (affordable) 50m ²
Unit 15	A	1 Bed Flat (affordable) 50m ²
Unit 16	A	2 Bed Semi (affordable) 79m ²
Unit 17	A	2 Bed Semi (affordable) 79m ²
Unit 18	A	2 Bed Semi (affordable) 79m ²
Unit 19	A	3 Bed Semi (affordable) 93m ²
Unit 20	A	2 Bed Semi (affordable) 79m ²
Unit 21	A	2 Bed Semi (affordable) 79m ²
Unit 22	A	3 Bed Semi (affordable) 93m ²
Unit 23		4 Bed House 200m ²
Unit 24		3 Bed Bungalow 109m ²
Unit 25		4 Bed Bungalow 157m ²
Unit 26	SB	3 Bed Bungalow 116m ²
Unit 27		4 Bed House 194m ²



2.3 The development has a net density of 19 dwellings per/ha.

3. The Principle Of Development

- 1.1 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 the determination must be made in accordance with the plan unless material considerations indicate otherwise'.
- 1.2 Paragraph 12 of the NPPF provides that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed. The age of policies itself does not cause them to cease to be part of the development plan or become "out of date" as identified in paragraph 219 of the NPPF which provides:
- "..., existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."*
- 1.3 It is embedded throughout the NPPF that significant weight should be given to the general public interest in having plan-led decisions even if the particular policies in a development plan may be old. Even if policies are considered to be out of date, that does not make them irrelevant; their weight is not fixed, and the weight to be attributed to them is within the remit of the decision taker.
- 1.3 The proposal would create 18 additional dwellings in the countryside, the development should be assessed having regards to Mid Suffolk Local Plan (adopted 1998) saved policies GP1, H3, H7, H13, H15, H16, H17, T9, T10, CL8, and Core Strategy (adopted 2008) policies CS1, CS2, CS3, and CS5 and the Core Strategy Focused Review together with the NPPF (2021).
- 1.4 Policy CS1 of the adopted Core Strategy identifies a settlement hierarchy to sequentially direct development. This Policy identifies categories of settlement within the district, with Towns representing the most preferable location for development, followed by the Key Service Centres, Primary then Secondary Villages. The countryside is identified as the areas outside of those categories of settlement referred to above.
- 1.5 Policy CS2 of the Core Strategy restricts development in the countryside to defined categories. The proposed development does not fall within any of the listed categories. Policy H7 of the Local Plan 1998 seeks to restrict housing development in the countryside in the interests of protecting its existing character and appearance.
- 1.6 The proposal is situated in the countryside wherein development is expected to accord with Core Strategy policy CS2. The proposal fails to accord with the developments allowed within the countryside and therefore is considered to conflict with Core Strategy Policies CS1 and CS2.
- 3.5 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.
- 3.6 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. Given the age of both the Core Strategy and the Local Plan, and mindful that they pre-date the

publication of the revised NPPF, consideration must be given to their degree of compliance with the NPPF. It follows that this requires consideration of the associated weight to be attached to the development plan policies. 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.

- 3.7 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 interest 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 and attracts weight in this decision; nonetheless, 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.
- 3.8 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 aforementioned 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 the assessment of this proposal. 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.
- 3.9 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 which enable active travel is an important development plan purpose which is consistent with the thrust of the NPPF. In the circumstances of this application and this site for the reasons set out in this report it is appropriate to afford a substantial weighting to policies CS1, CS2, and H7 given that the site is in a less rather than more sustainable location. A windfall piecemeal development such as this in less sustainable countryside location would materially compromise the spatial strategy of the development plan and undermine the aims and objectives of those plan contrary to Section 38(6) of the Act.
- 3.10 Emergent Joint Local Plan (JLP): The emergent Joint Local Plan is now at Regulation 22 stage and is afforded limited weight in planning decisions. Strategic Housing Economic Land Availability Assessment (SHELAA) identifies the site as a “potentially suitable site for residential development (SS0860). The emerging JLP redraws the settlement boundaries from the 1998 Local Plan and extends the settlement boundary for Great Finborough around the site area of the hybrid planning permission granted under DC/17/04968 located to the north of this site (permission expired June 2021, the permission was not implemented). The site area for the hybrid permission is similar, but not the same as this proposal. However as noted above, JLP currently has very limited weight, such that the current context of the policy would continue to position the application site outside of the settlement boundary

and within the countryside. That being said, it cannot be ignored that the site is spatially related to the village, especially in light of the developments on north and south of the site, (part of the original permission was subject to a separate permission under DC/18/03710 which was granted for 7 dwelling, a subsequent application for 9 was refused under DC/19/04912 and was allowed at appeal, and development at east of East House under DC/21/02077). The consideration of the application will also be made against three sustainability dimensions of the NPPF.

Sustainable Development Considerations

- 3.11 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.
- 3.12 Economic Objective – Economically, the proposal would generate some benefit for local trade and predominately arise during the construction phase which would be short term and small. Once occupied, there would be minor economic benefit to Great Finborough, this impact would not be significant.
- 3.13 Social Objective – In respect of the social strand, the proposal would provide 18 new dwellings which would provide a small contribution to housing, including a contribution to affordable housing. 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 five-year housing land supply. 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 quite minimal.
- 3.14 Environmental Objective – Great Finborough is served by a limited number of services and facilities, with only a primary school and public house. It is noted that the post office and shop serving the village have now ceased trading and closed. (Great Finborough has a private school and also a Church of England primary school). High Road provides a paved walking route served by streetlighting to both the primary school and public house which are approx.400m and 700m from the application site respectively.
- 3.15 It is considered that other facilities and services would be available to the future residents within Stowmarket some 5km to the east of Great Finborough, however it is highly unlikely that connection to the site would be made by foot or by bicycle given the distances involved. Additionally, bus stops within Great Finborough are served by the 461 service, running between Hadleigh and Stowmarket, this is infrequently operated with only one service operating on Mondays and Thursdays between Great Finborough and Stowmarket. This is not suitable public transport solution to reach services and facilities in Stowmarket and Hadleigh.
- 3.16 Given the concern over long walking distance to reach services and facilities for day-to-day needs, and absence of dedicated cycling paths, limited access to public transport and the objective to reduce reliance on car journeys on daily basis count in the environmental disbenefits of the scheme and weigh negatively in the planning balance.
- 3.17 Whilst some benefits have been identified, provision of affordable units (9 units), self-build plots and market dwellings which would add to the stock of housing in the district, harm identified within the environmental objective cannot be ignored, this is significant and outweighs the minimal benefits. It is considered that in this instance the proposal is finely balanced, however when considering that the district can currently demonstrate well in excess of 9 years of supply of homes, it is unreasonable to justify supporting a scheme that can be better facilitated in a more sustainable part of the district. In

this instance the conclusion tips towards failure of the scheme when assessed against 3 sustainability objectives of the NPPF and not supported in principle when assessed against Local Development Plan Policies, in particular policies CS1, CS2 and H7.

- 3.18 Whilst consent was granted for 24 houses in 2017 (DC/17/04968), this scheme is no longer extant, and as such does not represent a fallback position for development on this site. Furthermore, that decision was made at a time when the district did not have 5-year land supply, such that the consideration of principle was different at that time.

4. Site Access, Parking And Highway Safety Considerations

- 4.1. Policies T9 and T10 require development to be delivered with safe and sufficient highways access and function.
- 4.2. Paragraph 111 of the NPPF confirms that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 4.3. NPPF paragraph 110 also requires that 'safe and suitable access to the site can be achieved for all users' and NPPF paragraph 112 requires that developments should 'give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas' and 'address the needs of people with disabilities and reduced mobility in relation to all modes of transport.'
- 4.4. The access arrangements accord with that agreed under now expired Outline ref. DC/17/04968. The access road into the development would link back to that serving the approved nine dwellings. Sufficient parking and manoeuvring space are provided, compliant with the Suffolk Guidance for Parking 2019.
- 4.5. Internally, private drives serve some of the new dwellings spurring off the main access road. New footway links are provided through the site. These link with existing footways along the B1115.
- 4.6. SCC Highways have considered the scheme and have not raised any objections subject to conditions. The proposal is not in conflict with the local plan policies T9 and T10, and paras 110, 111 and 112 of the NPPF.

5. Design And Layout [Impact On Street Scene]

- 5.1 Policy CS5 of the Core Strategy requires development to be of a high-quality design that respects the local distinctiveness and the built heritage of Mid Suffolk, enhancing the character and appearance of the district.
- 5.2 Policy GP01 of the Local Plan states that proposals comprising poor design and layout will be refused, requiring proposals to meet a number of design criteria including maintenance or enhancement of the surroundings and use of compatible materials.
- 5.3 The surrounding area includes eclectic mixture of housing types, including bungalow and chalet bungalows, cottages and two storey houses. The design, style and scale of the proposed units are varied, and materials chosen are acceptable.

- 5.4 The proposed layout is related to the surrounding developments and is not considered out of keeping in this part of the countryside; it is acknowledged however that developments of the scale proposed inevitably lead to a landscape change. In this instance the change will be relatively localised.
- 5.5 Development will be scarcely visible from the main public thoroughfare (B1115) owing to the intervening ribbon development located immediately west of the application site. Whilst there will be an urbanising effect, the site is related to the body of the village and will not appear as an isolated development in the countryside. The development will define a new edge to the village body, not an unacceptable landscape outcome. The proposed density, 19 dwellings per hectare, is low and will support retention of the landscape character. Harm in a landscape sense will be relatively limited.
- 5.6 The landscape consultee is content that matters such as the aesthetic appeal of the SuDs basin, hard landscaping, such as the finish; size and colour of aggregate and the permeability of the “bound shingle”, boundaries, etc can be controlled and suitably addressed by way of recommended conditions.
- 5.7 Officers consider the design of the dwellings, their style, mixture, density, and layout are not objectionable in this instance, given in the context of the locality, the location of the site and its limited visibility within the public realm, is coherent with the policies CS5 and GP1, as well as chapter 12 of the NPPF.

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

- 6.1 NPPF paragraph 130(c) states that planning decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting. The NPPF states that local authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness.
- 6.2 Local Plan Policy GP1 calls for proposals to, amongst other matters, maintain and enhance the character and appearance of their surroundings. Policy CS5 of the Core Strategy seeks to protect and conserve landscape qualities taking into account the natural environment and the historical dimension of the landscape as a whole rather than concentrating solely on selected areas, protecting the District's most important components and encouraging development that is consistent with conserving its overall character.
- 6.3 The site is an uncultivated grassland and is not in an area of special character designation such as an Area of Outstanding Natural Beauty or Special Landscape Area. Nor is the site adjoining, or in proximity to, any designated landscape areas of special significance. No trees or significant landscape features will be lost as a result of the development. Such that the proposal is not considered to harm the landscape character of the site or its immediate surroundings.
- 6.4 Policy CS5 of the Core Strategy requires development to protect, manage and enhance Mid Suffolk's biodiversity.
- 6.5 Regulation 9(5) of the Conservation of Habitats and Species Regulations 2010 (Implemented 1st April 2010) requires all 'competent authorities' (public bodies) to 'have regard to the Habitats Directive in the exercise of its functions.' For a Local Planning Authority to comply with regulation 9(5) it must 'engage' with the provisions of the Habitats Directive.
- 6.6 Paragraph 179 of the NPPF requires planning authorities, when determining planning applications, to seek the conservation and enhancement of biodiversity by ensuring significant harm resulting from a development is avoided (through locating on an alternative site with less harmful impacts), or where

not possible to be adequately mitigated, or, as a last resort, compensated for, and if this cannot be secured then planning permission should be refused.

6.7 An Ecology Report supports the application. Place Services (Ecology) raise no objection and suggested conditions are supported by officers.

6.8 As noted above, there will be no loss of significant trees and landscape planting (can be secured via conditions) will offer enhanced local arboricultural values.

Officer's note: The previously approved scheme under DC/17/04968 was in Outline form and although it was accompanied by a Visual Impact Assessment, the Landscape Consultant at that time raised concerns with regards to various aspects of the scheme, however the final details were to be finalised at Reserved Matters stage, which was not pursued. The current scheme however has gained support from the Landscape consultant, subject to securing further details by way of suitable conditions.

7. Land Contamination, Flood Risk, Drainage and Waste

7.1 National Planning Policy Framework (2021) Paragraph 159. Provides that Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

7.2 Mid Suffolk District Council's Core Strategy Policy CS4 sets out that: The council will support development proposals that avoid areas of current and future flood risk, and which do not increase flooding elsewhere, adopting the precautionary principle to development proposals.

7.3 The Suffolk Flood Risk Management Strategy 2016 Paragraph 2.5 - Planning authorities should only approve development where it can be demonstrated that the proposal satisfies all the following criteria:

- a. it does not increase the overall risk of all forms of flooding in the area through the layout and form of the development and use of appropriate SuDs
- b. it will be adequately protected from flooding.
- c. it is and will remain safe for people for the lifetime of the development

7.4 The application site is within Flood Zone 1 in accordance with Environment Agency's Flood Map. The submitted Flood Risk Assessment adequately demonstrate the extent of flood risk affecting the site as well as matters of surface water drainage. The LLFA has reviewed the application and no objections have been raised in this regard.

7.5 The proposal is in accordance with Mid Suffolk Core Strategy Policy CS4 and paragraphs 161 and 164 of the NPPF

8. Heritage Issues [Including The Impact On The Character And Appearance Of The Conservation Area And On The Setting Of Neighbouring Listed Buildings]

8.1 Policy HB1 of the Local Plan seeks to protect the character and appearance of buildings of architectural or historic interest, particularly protecting the settings of Listed Buildings, the policy is given full weight given its compliance with Chapter 16 of the NPPF.

- 8.2 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Listed Building or its setting. In this case, there are specific NPPF policies relating to designated heritage assets that should be considered.
- 8.3 Paragraph 195 of the NPPF identifies that the impact of a proposal on the significance of a heritage asset should be taken into account, in order to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.
- 8.4 The NPPF defines the setting of a heritage asset as the surroundings in which it is experienced. The extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset; may affect the ability to appreciate that significance; or may be neutral.
- 8.5 The site is located approximately 130m south-east of the grade II listed Thatched Cottage (List Entry Number: 1032979) and within its setting. The Thatched Cottage is a late 17th century timber framed house with 19th century alterations. The site is not within a conservation area or within the setting of any other heritage asset.

The site is located within a field to the south-east of the Thatched Cottage, with a wooded area and a 9-dwelling housing development between the two.

- 8.6 Aspects of the setting that contribute to the Thatched Cottage's significance are now largely limited to its plot, the wooded area, and other nearby historic buildings though these have had modern alteration. While the rural surroundings of the property do play a small part in the house's significance, its contribution has been significantly reduced due to a modern housing development directly behind the listed building (north-east) and the new housing development. There would be no accumulative impact caused by the proposed housing development and the change would not further reduce the contribution the rural surroundings make to the listed building. This is in large part due to the distance between the listed building and the site, the wooded area and housing development between the site and cottage, and the relatively small amount of rural land that will be affected. There will be no visual impact on the listed building and no significant views will change.
- 8.7 The change in the setting of the listed building caused by the proposed residential development would not harm the significance of the listed building. The proposal is considered to be in line with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as the setting of the listed building will be preserved and there will be no harm caused to the significance of the listed building, in line with the NPPF.

9. Impact On Residential Amenity

- 9.1 Paragraph 130 of the NPPF sets out a number of core planning principles which should underpin decision-taking, including seeking to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 9.2 The proposed layout is not considered unduly dense, and the properties are afforded adequate amenity space. The Officers do not consider that the proposal would give rise to loss of amenity in terms of loss of light, overdominance, loss of privacy, given the style, scale and orientation of the proposed dwellings. Similarly, no harmful impact upon adjacent/surrounding neighbours have been identified that cannot be overcome by way of suitable conditions (construction management, construction hours, etc.). The

Officers do not consider that the site is overdeveloped by virtue of the size and scale of the development shown.

9.3 The site layout demonstrates that it is capable of accommodating the proposal in a manner that will not unduly compromise the residential amenity of existing occupiers of nearby residential dwellings or future occupiers.

9.4 The proposal is therefore not contrary to policy H16 of the Local Plan and Para 130 of the NPPF.

10. Planning obligations/CIL

10.1 The application is liable to CIL which would be managed through the standard independent CIL processes. The application, if approved, would require the completion of a Section 106 agreement to secure an affordable housing contribution (as advised by your Strategic Housing Officers).

PART FOUR – CONCLUSION

11. Planning Balance and Conclusion

11.1 The basket of most important policies here, CS1, CS2, CS5, FC1, FC1.1, H7, GP1, H15, T9 and T10 are, on the balance of probabilities, considered to be up to date insofar as they relate to this application, the site, and its circumstances. 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.

The proposal development is not considered to comprise sustainable development, contrary to the Development Plan and NPPF.

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).

The recommendation is therefore to refuse permission.

RECOMMENDATION

(1) That the Chief Planning Officer be authorised to REFUSE Planning Permission based on the following reasons and such other reasons as he considers fit:

1. The proposal is in a countryside location where the development of these new dwellings 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 directed to more sustainable locations 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 are of greater weight than the delivery of these additional dwellings 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.

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 which are consistent for the purposes of this application with the objectives of the NPPF to secure planned development in more sustainable locations rather than piecemeal development in less sustainable locations. Those adverse and unacceptable impacts would significantly and demonstrably outweigh the limited benefits of this development.

On this basis the proposal is not acceptable in principle, being contrary to paragraphs 8 and 11 of the NPPF (2021), saved 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) And the following informative notes as summarised and those as may be deemed necessary:

- Proactive working statement