

Committee Report

Committee Date: 03 May 2017

Item No:

Reference: 3858/16
Case Officer: James Platt

Description of Development: Application for Outline Planning Permission for residential development of up to 42 new dwellings, supporting infrastructure and Access (Highway & pedestrian). (Appearance, Landscaping, Layout & Scale being the subject of a further Reserved Matters application)

Location: Land adj Green Acres, Garden House Lane, Rickinghall Superior, IP22 1EA

Parish: Rickinghall Superior

Ward: Rickinghall & Walsham

Ward Member/s: Cllr Fleming & Cllr Osborne

Site Area: 1.59 Hectares

Received: 14/09/2016 09:00:49

Expiry Date: 02/06/2017

Application Type: Outline Planning Permission

Development Type: Major Dwellings

Environmental Impact Assessment: N/A

Applicant: Mr J Harvey

Agent: Waller Planning

DOCUMENTS SUBMITTED FOR CONSIDERATION

List of applications supporting documents and reports

Defined Red Line Plan:

The defined Red Line Plan for this application is Drawing no.216/001/A received 9th March 2017 only. This drawing is the red line plan that shall be referred to as the defined application site. Any other drawings approved or refused that may show any alternative red line plan separately or as part of any other submitted document have not been accepted on the basis of defining the application site.

Plans and Documents:

The application, plans and documents submitted by the Applicant can be viewed online at www.midsuffolk.gov.uk via the following link:

<http://planningpages.midsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal= MSUFF DCAPR 109833>

Alternatively, a copy is available to view at the Mid Suffolk and Babergh District Council Offices.

SUMMARY

The application stands to be determined in accordance with paragraph 14 of the National Planning Policy Framework, with the presumption in favour of sustainable development, approving development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

Officers recommend approval of the application, as the adverse impacts of the development do not significantly and demonstrably outweigh the benefits of the development.

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason:

- This application is reported to committee as the application is Major Development comprising 15 or more dwellings.

PART TWO – APPLICATION BACKGROUND

This section details history, policies, advice provided, other legalisation and events that form the background in terms of both material considerations and procedural background.

History

1. None

Details of Previous Committee / Resolutions

2. None

Details of Member site visit

3. None

Details of any Pre Application Advice

4. The applicants sought pre-application advice from the Local Planning Authority. Officers advised on general matters including the principle of development, appropriate housing mix, affordable housing, layout, highways and landscaping.

PART THREE – ASSESSMENT OF APPLICATION

Consultations

5. **This is a summary of the consultation responses received.**

Rickinghall Parish Council- Object to the proposal on the following grounds;

- Insufficient evidence that additional traffic would not cause issues of highways safety.
- No continuous footway along Garden House Lane through to Ryders Way, raising issues of highways safety.
- Proximity of the trees would affect the quality and the security of the public right of way.
- Unconvincing assessment of the effect of further hard-standing on surface water drainage.
- Loss of amenity to neighbouring properties 4-18 Ryders Way.
- Concerns regarding adequate capacity at the school and health centre,

Suffolk County Council - Highways – No objection subject to conditions and planning obligations.

Suffolk County Council – Archaeology – No objection subject to conditions requiring a scheme of archaeological investigation and submission of such investigation to the Local Planning Authority for approval.

Suffolk County Council – Public Rights of Way – No objection.

Suffolk County Council – Fire and Rescue – No objection subject to a condition.

Suffolk County Council – Flood and Water Management Team – No objection subject to a conditions.

Suffolk County Council – Developer Contributions – A future bid to the District Council for CIL funds shall be made if planning permission is granted and implemented. Site specific mitigation, secured through a planning obligation, are required, comprising the following;

- £6000 for the relocation of and improvement of a bus stop nearer to Garden House.
- £4610 for offsite improvement works to Public Rights of Way Network.

BMSDC – Strategic Housing – No objection

BMSDC – Heritage – No objection, the proposal would cause no harm to a designated heritage asset because it would have a neutral impact on the setting of the nearby listed building.

BMSDC - Environmental Health - Land Contamination – No objection.

BMSDC - Tree Officer – No objection.

BMSDC – Waste Management – No objection.

Suffolk Wildlife Trust – No objection, however request that the likely impacts on Skylarks be assessed prior to the determination of this application and additional information provided as to the likely impacts arising from the loss of a section of hedgerow.

Place Services for MSDC – Ecology – No objection subject to conditions.

Suffolk Constabulary – Designing out Crime Officer – Object to this proposal as previous statistics have shown that such a design where a row of houses have been designed side by side along a public footpath create crime generators for that particular area in question.

Essex and Suffolk Water – No objection.

Anglian Water – No objection.

Natural England – No comments

Representations

6. Third party representations have been received, comments are summarised below;
- The increase in traffic arising from the development cannot be accommodated along Garden House Lane or within the village.
 - Access onto The Street is unsafe.
 - Infrastructure within Rickinghall/Botesdale is at capacity.
 - Harmful to the landscape.
 - Development is in The Countryside, outside of the settlement boundary.
 - Unsafe pedestrian access.
 - Loss of important open space.
 - Loss of privacy to neighbouring properties.
 - Loss of light to neighbouring properties.
 - Loss of outlook to neighbouring properties.
 - Harmful to the enjoyment of the public right of way.
 - Unacceptable level of light pollution would arise from the development.
 - Insufficient sewage capacity.
 - Harmful impact upon ecology.
 - Increased risk of flooding.
 - Noise and disturbance would arise from the development.
 - Harmful to the rural character of Rickinghall.
 - Unsustainable location.
 - Greenfield site that should not be developed.
 - Development out of keeping with the character of the lane.
 - Harmful to the Grade II Listed Building Garden House.
 - Density of development is too high.
 - Insufficient vehicular parking.
 - Cumulative impact arising from other development on Garden House Lane would be unacceptable.
 - Loss of views.

- Application should be deferred until Neighbourhood Plan is adopted.
- Garden House Lane unsuitable for refuse or emergency vehicles.

The Site and Surroundings

7. The proposal site comprises approximately 1.59 Hectares of agricultural land on the eastern side of Garden House Lane, Rickinghall. The site is bounded by residential development to the west, agricultural land to the north and east, and the highway to the south. The proposal site is located within The Countryside; however, lies adjacent and opposite to the settlement boundary of Botesdale/Rickinghall. A public right of way bounds the site to the north-west, connecting Garden House Lane with The Street.
8. The site is subject to a change in levels, with an incline from the south-west towards the north-east. With respect to planting, the site frontage is subject to a native hedge providing some enclosure from the highway, however, the interior of the site remains open with limited planting.

The Proposal

9. This application seeks outline planning permission for the erection of up to 42 dwellings. Access is included as part of the application, whilst the matters of appearance, landscaping, layout, and scale remain reserved.
10. The application was subject to amendments and the submission of additional information, comprising the following;
 - Phase 1 Contaminated Land Survey
 - Topographical Survey
 - Amended Flood Risk Assessment & Drainage Strategy
 - Additional Highway Access Drawing
 - Amended Site Location Plan and Site Plan to Include additional blue lined land
 - Amended Illustrative Layout Drawing

NATIONAL PLANNING POLICY FRAMEWORK

11. The National Planning Policy Framework (NPPF) contains the Government's planning policies for England and sets out how these are expected to be applied. Planning law continues to require that applications for planning permission are determined in accordance with the Development Plan unless material considerations indicate otherwise. The policies contained within the NPPF are a material consideration and should be taken into account for decision-making purposes.
 - Para 6: Achieving sustainable development
 - Para 7: Three dimensions to sustainable development
 - Para 11 – 15: The presumption in favour of sustainable development
 - Para 17: Core planning principles
 - Para 32 and 34: Transport movements
 - Para 47: Delivering a wide choice of high quality homes
 - Para 49: All housing proposals should be considered in the context of the presumption in favour of sustainable development
 - Paragraph 55: To promote sustainable development in rural areas
 - Para 56 & 60: Requiring good design

- Para 64: Development of poor design must not be supported
- Para 69: Promoting healthy communities
- Para 73: Access to high quality open space.
- Para 75: Protection and enhancement of public rights of way
- Para 100: Development and flood risk
- Para 103: Development and increasing flood risk elsewhere
- Para 109: Planning system should contribute to and enhance the natural and local environment
- Para 112 & 117–119: Development affecting protected wildlife
- Para 123: Planning and noise
- Para 186: Approaching decision taking in a positive way
- Para 187: Local Planning Authorities should find solutions rather than problems in decision taking

CORE STRATEGY

12. Summary of relevant policies Core Strategy 2008 and Core Strategy Focused Review:

- Policy FC1: Presumption in favour of sustainable development.
- Policy FC1.1: Mid Suffolk's approach to delivering sustainable development
- Policy FC2: Provision and distribution of housing.
- Policy CS1: Settlement hierarchy
- Policy CS2: Development in the countryside & countryside villages
- Policy CS4: Adapting to climate change.
- Policy CS5: Mid Suffolk's environment
- Policy CS6: Services and infrastructure
- Policy CS8: Provision and distribution of housing
- Policy CS9: Density and mix

NEIGHBOURHOOD PLAN

12. Botesdale and Rickinghall Parish Council's have agreed to work together to prepare a joint Neighbourhood Development Plan. The National Planning Practice Guidance confirms that an emerging neighbourhood plan may be a material consideration. Factors to consider include the stage of preparation of the plan. The plan in this instance is at an early stage, with consultation on the designated Neighbourhood Plan Area currently being undertaken. Given that the Plan remains at this early stage of preparation and as such is not given significant weight in the determination of this application.

SAVED POLICIES IN THE LOCAL PLAN

14. Summary of saved policies in the Mid-Suffolk Local Plan adopted June 1998:

- Policy GP1: Design and layout of new developments
- Policy HB1: Protection of historic buildings
- Policy HB13: Protecting ancient monuments
- Policy HB14: Ensuring that Archaeological remains are not destroyed
- Policy H7: Restricting housing development unrelated to the needs of the countryside
- Policy H13: Design and layout of development
- Policy H15: Development to reflect local characteristics.
- Policy H16: Protecting existing residential amenity
- Policy H17: Keeping residential development away from pollution

- Policy CL8: Protecting wildlife
- Policy CL11: Retaining high quality agricultural land
- Policy T9: Parking standards
- Policy T10: Highway consideration in developments
- Policy RT4: Amenity open space and play areas within residential development
- Policy RT12: Footpaths and bridleways

Officer's Assessment

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

Housing Land Supply

16. The National Planning Policy Framework (2012) (NPPF) requires local planning authorities to boost significantly the supply of housing, to achieve this a five-year housing land supply with an additional buffer, as set out in paragraph 47 of the framework, should be identified and maintained.
17. The local planning authority accepts that it cannot currently demonstrate a five year housing land supply in the district, as required by the NPPF. In these circumstances any adopted or emerging policy which can be considered to restrict the supply of housing land is considered 'out of date' in respect of paragraph 49 of the NPPF.
18. Further guidance as to which policies should be considered as 'relevant policies for the supply of housing' emerged from the Court of Appeal decision for *Richborough v Cheshire East and Suffolk Coastal DC v Hopkins Homes*. The Court defined 'relevant policies for the supply of housing' widely so not to be restricted to 'merely policies in the Development Plan that provide positively for the delivery of new housing in terms of numbers and distribution or the allocation of sites,' but also to include, 'plan policies whose effect is to influence the supply of housing by restricting the locations where new housing may be developed.' Therefore, all policies which have the potential to restrict or affect housing supply may be considered out of date in respect of the NPPF.
19. However, the Court of Appeal has confirmed that even where policies are considered 'out of date' for the purposes of NPPF paragraph 49, a decision maker is required to consider what (if any) weight should be attached to such relevant policies.
20. In the case of this application policies which must be considered as potentially influencing the supply of housing land include Policy CS1 and CS2 of the Core Strategy and Policy H7 of the Mid Suffolk Local Plan 1998 (LP), relating to the settlement hierarchy and the restriction of development in the countryside. These Policies cannot be considered up to date.
21. Paragraph 14 of the NPPF states that there is a presumption in favour of sustainable development. It says that where relevant policies are out of date, planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or where specific policies in the NPPF indicate

development should be restricted. Specifically,

“another way of putting the matter is that the scales, or the balance, is weighted, loaded or tilted in favour of the proposal. This is what the presumption in favour of sustainable development means: it is a rebuttable presumption, although will only yield in the face of significant and demonstrable adverse impacts” (see CEBC vs SSCLG [2016] EWHC 571 (Admin)).

Principle of Development

22. Policy CS1 of the Core Strategy identifies a settlement hierarchy as to sequentially direct development, forming part of a strategy to provide for a sustainable level of growth. The 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.
23. Policy CS2 of the Core Strategy restricts development in The Countryside to defined categories, including, rural exception housing, consisting of the following;
 - agricultural workers dwellings
 - possible conversion of rural buildings
 - replacement dwellings
 - affordable housing on exception sites
 - sites for Gypsies and Travellers and travelling showpeople
24. Policy H7 of the Local Plan seeks to restrict housing development in The Countryside in the interests of protecting its existing character and appearance.
25. The proposal site is located in The Countryside, where Policy CS1 and CS2 of the Core Strategy states that only development for rural exception housing will permitted. The proposal does not represent rural exception housing for the purposes of the Cores Strategy, whilst remaining inconsistent with Policy H7 of the Local Plan. Thereby, the erection of up to 42 dwellings on the site would, under normal circumstances, be contrary to the adopted development plan. However, these policies are considered out of date due to the current lack of a 5 year housing land supply as set out above.
26. It falls to the local planning authority as decision maker to assess the weight, if any, that should be given to the existing policies. Officers consider this assessment should, in the present application, have regard to factors including whether the policies continue to perform a material planning objective and whether it is consistent with the policies of the NPPF.
27. Policy CS1 and CS2 of the Core Strategy and H7 of the Local Plan form part of a suite of policies to control the distribution of new housing, they can be afforded weight, since it contributes to ensuring that development is sustainably located and unsustainable locations are avoided. This planning objective remains important and is consistent with the NPPF presumption in favour of sustainable development, by limiting development in less sustainable locations with a limited range of services to meet the needs of new residents in a sustainable manner. However, in the absence of a five-year supply and subsequent demand for housing, Officers are of the view that these policies are afforded limited weight.
28. In this case, despite its location within the countryside, the proposal to develop a scheme of up to 42 dwellings outside of the settlement boundary of a Key Service

Centre, is acceptable in principle, as detailed below.

Sustainability of Development

29. Paragraph 7 of the NPPF identifies three dimensions to sustainable development: economic, social and environmental considerations and indicates that planning should seek gains in relation to each element. These dimensions give rise to the need for the planning system to perform a number of roles:

- economic, contributing to building a strong economy and in particular by ensuring that sufficient land of the right type is available in the right places

- social, supporting, strong vibrant and healthy communities by providing the supply of housing required to meet future need in a high quality environment with accessible local services and

- environmental, contributing to the protection and enhancement of the natural, built and historic environment and mitigate and adapt to climate change

The dimensions of sustainable development, in the context of the proposed development, are assessed in detail below.

Economic

30. The provision of up to 42 dwellinghouses will give rise to employment during the construction phase of the development. Furthermore, future occupiers of the development would be likely to use local services and facilities. Both factors will be of benefit to the local economy.

Social

Provision of New Housing

31. The development would provide a significant benefit in helping to meet the current housing shortfall in the district through the delivery of up to 42 additional dwellings, including 35% affordable housing provision.

32. The matter of the sustainability of the site in terms of access to local services is discussed further below.

Environmental

Services and Facilities

33. Paragraph 55 of the NPPF seeks to promote sustainable development in rural areas advising 'housing should be located where it will enhance or maintain the vitality of rural communities', and recognises that where there are groups of smaller settlements, development in one village may support services in a village nearby.

34. The site is located in the countryside, however, given the adjacency of the site to the Botesdale/Rickinghall settlement boundary, the site is relatable to the settlement's geographically and in its dependency upon services/facilities.

35. Botesdale/Rickinghall is served by some services and facilities, including a primary school, health centre, small supermarket, a number of pubs and two food takeaways.

36. The reasonable access to services and facilities is reflected in Botesdale/Rickinghall being designated a 'Key Service Centre' in the Core Strategy settlement hierarchy, the main focus for development outside of the towns. However, whilst the settlements are served by some services and facilities, it is reasonable to suggest that journeys out of the village's would be a requirement for the majority of residents in order to access many day-to-day services.
37. The nearest settlement offering a reasonable degree of services and facilities to meet every day needs of future occupiers is the town of Diss, situated approximately 6.6 Miles from the proposal site. A bus service is available that connects Botesdale/Rickinghall to a number of settlements, including Diss and Bury St Edmunds. The service between Bury St Edmunds and Diss, via Botesdale/Rickinghall, operates Monday – Friday between the approximate hours of 7:00 – 19:00.
38. There is an existing bus stop on The Street, approximately 0.3 Miles from the site. Additionally, a Planning Obligation is sought, secured through a Section 106 Legal Agreement, to relocate and improve the existing bus stop, moving it closer to the intersection with Garden House Lane, and thus the proposal site.
39. The proposal includes the provision of a footpath, secured by way of condition, to connect the site to the existing footpath network and thus, those services within Botesdale/Rickinghall, including the bus stop. It is also noted the public right of way adjacent to the site, provides a connection to the services within Rickinghall/Botesdale.
40. Given the above, Officers consider the proposal is located as to enable future occupiers access to services and facilities within Rickinghall/Botesdale, whilst alternative methods of transport opposed to the private car offer a sufficiently attractive alternative for occupiers of the proposed accommodation, consistent with the environmental and social dimensions of sustainable development contained within the NPPF.

Design and Impact on Character and Appearance of the Area

41. Policy CS9 of the Core Strategy seeks average densities of at least 30 dwellings per hectare unless there are special circumstances that require a different treatment
42. Policy H13 of the Local Plan requires new housing development to be expected to achieve a high standard of design and layout and be of a scale and density appropriate to the site and its surroundings, whilst Policy H15 of the Local Plan similarly requires new housing to be consistent with the pattern and form of development in the area and its setting.
43. Policy CS9, H13 and H15 are considered to be policies that relate to the supply of housing, and are therefore to be considered as being out of date. However, one the aims of the policy is the need to respond to local character, which is supported by the aims of the NPPF as identified below, and Policy GP1 of the Local Plan. Policy GP1 is not considered to be a housing supply policy and is not therefore considered to be out of date. Officers are of the view that considerable weight can therefore be given to Policy CS9, H13 and H15 where the proposed density of a particular development compromises local character and the aims of paragraph 58 of the NPPF which states that it should be ensured that developments respond to local character, and history, and reflect the identity of local surroundings and materials.
44. Policy GP1 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.

45. Paragraph 56 of the NPPF attaches great importance to the design of the built environment, stating that good design is a key aspect of sustainable development.
46. The proposal site comprises a parcel of agricultural land on the eastern side of Garden House Lane. The site forms the south western section of a larger field that extends northward to Bridewell Lane and eastward to the A143. The topography of the site varies, with land gently rising towards the north east. However, the change in levels is not limited to the proposal site, with the eastern side of Garden House Lane generally following a similar change in levels. As such, the proposal site is not significantly elevated within the landscape. Whilst the larger field remains open to its interior, given the existing planting to the southern boundary fronting Garden House Lane, the eastern boundary fronting the A143 and northern boundary fronting Bridewell Lane and existing development at Ryders Way and Green Acres, the wider field, including the proposal site, remains enclosed, screening the site from the streetscene and wider countryside.
47. Despite the above, the presence of an existing public right of way, located to the western boundary of the site, is noted, the site and wider field do thereby remain visible from a public right of way.
48. The eastern side of the street, on which the proposal site sits, is subject to residential development, continuing from The Street southwards to residential property Green Acres. The western side of the road is similarly subject to residential development, however extends further southward to residential property Broland. Given the most southward position of Broland, the property appears, from the streetscene, to read as the point of transition from the settlement to the wider countryside, providing a definable edge to the built form of village along Garden House Lane. Of further note is the presence of development along Bridewell Lane, similarly extending out from the main body of the settlement, with residential property Hill Top providing an edge to the built form.
49. Whilst the introduction of the dwellings would extend development on the eastern side of Garden House Lane, residential development would be contained to the existing edge of development along Garden House and additionally Bridewell lane, as identified above, mitigating the impact upon the rural setting of the village and surrounding countryside.
50. It is axiomatic that the introduction of development to an otherwise undeveloped parcel of agricultural land would cause some environmental harm, attributed to the urbanising effect on the landscape. However, given the above characteristics, it is considered that the site contribution to the wider countryside or quality of the landscape is localised to immediacy of the site, whilst the proposal would be primarily viewed in the context of existing residential properties, mitigating the impact of the development. As such, the environmental harm arising from the development is not deemed to be significant.
51. Development along Garden House Lane is of generally mixed form, with both linear residential development extending along Garden House Lane and 'close/cul-de-sac' type development at Wheatfields and Ryders Way. As such, a 'close' type development, served by a central spine road, as per the illustrative layout, would be in keeping with the form of the locality.

52. Development on the eastern side of Garden House Lane is generally more dense and urban in its form. The application proposes new housing at a density of approximately 26 dwellings per hectare (dph). Whilst the proposed density falls below that required under Policy CS9, the proposal suitably responds to the character of the area.
53. Given the above, Officers consider that the illustrative scheme demonstrates that the site is capable of providing the proposed number of dwellings, having regard to the constraints of the site, and in manner which would not materially detract from the character of the area or setting of the village.

Impact Upon the Setting of a Listed Building

54. 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.
55. Policy HB1 is not considered to be a housing supply policy and is not therefore considered to be out of date.
56. 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.
57. A Grade II Listed Building, Garden House, lies within the vicinity of the proposal site. The Local Authorities Heritage Officer raised no objection to the proposal, finding that the development would give rise to no harm to a designated heritage asset because it would have a neutral impact on the setting of the nearby listed building. This consultation response formed the main material consideration in assessing the impact upon designated heritage assets within the locality. Officers consider the proposal is thereby acceptable in this regard.

Residential Amenity

58. Policy H13 of the Local Plan seeks to ensure new housing development protects the amenity of neighbouring residents.
59. Policy H13 is considered to be a policy that relates to the supply of housing, and is therefore to be considered as being out of date. However, the above aim of the policy is supported by the aims of the NPPF and Policy H16 of the Local Plan. Policy H16 is not considered to be a housing supply policy and is not therefore considered to be out of date.
60. Policy H16 of the Local Plan seeks to protect the existing amenity of residential areas.
61. Paragraph 17 of the NPPF sets out a number of core planning principles as to underpin decision-taking, including, seeking to secure a good standard of amenity for all existing and future occupants of land and buildings.
62. The application is in outline only and therefore the layout plan submitted is for illustrative purposes. However, Officers consider, at this stage, that the site is capable of accommodating the amount of development proposed, without having a detrimental impact on the residential amenity of future occupiers of the proposal and neighbouring

properties.

63. With particular regard to the topography of the site, as discussed, the change in levels is not limited to the proposal site, with the locality, including the majority of development at Ryders Way, generally following a similar change. However, it is noted that properties to the south west corner of Ryders Way sit at a lower level than adjacent land within the proposal site. A condition requiring details of changes in levels and finished floor levels of the proposed dwellings is recommended, ensuring that the development would not give rise to adverse amenity impacts by way dominance or overshadowing, associated with significantly elevated positions.

Highway Safety

64. Policy T10 of the Local Plan gives regard to a number of highway matters, including; the provision of safe access, the safe and free flow of traffic and pedestrian safety, safe capacity of the road network and the provision of adequate parking and turning for vehicles.
65. The Policy is supplemented by Policy T9 of the Local Plan, requiring proposals to provide areas of parking and manoeuvring in accordance with the parking standards adopted by the district.
66. Policies T10 and T9 are not considered to be a housing supply policies and are not therefore considered to be out of date.
67. The Local Highway Authority raises no objection to the proposal subject to conditions, including details of the provision of a footway. The land required to provide a continuous footway from the site to The Street on the southeast side of Garden House Lane is within the adopted highway. The proposed footway is recommended to be secured by way of a Grampian condition.
68. Paragraph 32 of the NPPF confirms that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
69. The Local Highway Authority confirmed the vehicular trip generation from 42 dwellings is not considered to be sufficient to warrant refusal due to increased traffic delays.
70. This consultation response formed the main material consideration in determining the impact of the proposal on highways safety. Officers thereby consider the proposal to be acceptable in this regard.

Public Right of Way

71. Paragraph 75 of the NPPF seeks to protect and enhance public rights of way and access.
72. Suffolk County Council Right of Way and Access have raised no objection to the proposal. This consultation response formed the main material consideration in determining the impact of development upon the public right of way. Officers thereby consider the proposal to be acceptable in this regard.

Flood Risk

73. The proposal site lies within Floodzone 1 of the Environment Agency flood mapping, where flooding from rivers and the sea is very unlikely. There is less than a 0.1 per cent (1 in 1000) chance of flooding occurring each year. Given the low probability of flooding, the proposal is considered to be acceptable in this regard.
74. Further to the above, the Suffolk County Council Flood and Water Management Team raise no objection to the proposal subject to details of surface water drainage and sustainable urban drainage secured by condition. Officers consider the conditions suitably addresses matters of surface water flooding and drainage at this outline stage.

Land Contamination

75. The Environmental Protection Team raises no objection to the proposal. This consultation response formed the main material consideration in determining risks associated with potentially contaminated land. Officer consider the proposal is thereby acceptable in this regard.
76. Further to the above, a note is recommended to the permission, advising that the local authority be contacted in the unlikely event of unexpected ground conditions being encountered during construction.

Archaeology

77. Suffolk County Council Archaeological Service has identified that the site lies within an area of high archaeological interest, as recorded in the County Historic Environment Record. No objections to the proposal are raised, however planning conditions securing a programme of archaeological work are requested. This consultation response formed the main material consideration in assessing risks associated with archaeological assets. Officers consider the conditions suitably address matters of archaeology.

Biodiversity

78. Policy CS5 of the Core Strategy requires development to protect, manage and enhance Mid Suffolk's biodiversity.
79. Policies CS5 is not considered to be a housing supply policy and is not therefore considered to be out of date.
80. Suffolk Wildlife Trust raise no objection to the proposal, however, note that the accompanying ecology report does not assess the likely impact of the proposed development on Skylarks or make any recommendations for mitigation or compensation of impacts on this species. They request that the likely impacts must be assessed prior to the determination of this application, confirming that consent should not be granted for development which, unmitigated, would result in an adverse impact on Priority species. Additional information is also requested as to the likely impacts arising from the loss of a section of hedgerow required to provide appropriate access.
81. Further to the above, the Local Authorities Ecology Consultant agreed with the findings

of Suffolk Wildlife Trust in so far that the development with unmitigated impacts on Priority species including skylarks, should not be consented. However, a condition to secure a farmland bird mitigation strategy can be used to address this matter. Furthermore, with respect to the loss of hedgerow, the ecologist noted that replacement planting should be included as part of a landscaping scheme.

82. Given the above, conditions securing a farmland bird mitigation strategy and that the recommendations made within the ecological survey report are implemented in full are recommended. Officers consider the conditions suitably address matters of biodiversity at this outline stage.

Trees

83. The Local Authorities Tree Officer raises no objection to proposal, confirming that the site does not contain any trees or hedgerows of arboricultural significance. However, additional planting is requested to help soften and integrate the development within the local landscape.
84. Details of landscaping remain reserved, and would be required to be dealt with as part of an application for the Approval of Reserved Matters.

Other Matters

Affordable Housing

85. Altered Policy H4 of the Local Plan seeks an affordable housing provision of 35% of total units.
86. The application proposes affordable housing provision at 35% as to accord with the Policy. It is recommended that provision be secured through a Section 106 legal agreement.

Public Open Space

87. The proposal shall include the provision of areas of public open space. It is recommended that details of the provision and future management and maintenance of public open space be secured by way of condition.

CIL and S.106 Planning Obligations

88. The Community Infrastructure Levy is a tool for local authorities in England and Wales to help deliver infrastructure to support the development of the area.
89. Mid Suffolk District Council adopted a CIL Charging Schedule On 21st January 2016 and started charging CIL on planning permissions granted from 11th April 2016. Mid Suffolk are required by Regulation 123 to publish a list of infrastructure projects or types of infrastructure that it intends will be, or may be, wholly or partly funded by CIL.
90. The current Mid Suffolk 123 List, dated January 2016, includes the following as being capable of being funded by CIL rather than through planning obligations:
- Provision of passenger transport

- Provision of library facilities
 - Provision of additional pre-school places at existing establishments
 - Provision of primary school places at existing schools
 - Provision of secondary, sixth form and further education places
 - Provision of waste infrastructure
 - Provision of health facilities
91. With particular regard to education provision, Suffolk County Council forecast to have surplus places for Pre-School and Primary School provision, but no surplus places available at the High School to accommodate children and 16+ students arising from the proposal. An education contribution via CIL funding to mitigate the impact of this scheme would therefore be sought.
92. The information below would form the basis of a future bid from Suffolk County Council to the District Council for CIL funds if planning permission is granted and implemented. This will be reviewed when a reserved matters application is submitted.
- Secondary Education - £3,496.19 (per dwelling)
 - Sixth Form Education - £947.95 (per dwelling)
 - Libraries - £216.00 (per dwelling)
93. NHS England have confirmed the proposed development is likely to have an impact on the services of Botesdale Health Centre. The GP Practice does not have capacity for the additional growth resulting from this development, thereby giving rise to the need for improvements to capacity, in line with emerging CCG Estates Strategy, by way of extension, refurbishment, or reconfiguration. A Capital Cost Calculation of £15,939 for additional primary healthcare arising from the development proposal would form the basis of a future bid to the District Council for CIL funds.
94. The above are considered to fall within the Councils CIL 123 list. As such, these infrastructure improvements should be dealt with by a future bid for CIL funds.
95. Further to the Community Infrastructure Levy, developers may be asked to provide contributions for infrastructure by way of planning obligations in the form of Section 106 agreements.
96. Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations, including where tariff style charges are sought, may only constitute a reason for granting planning permission if they meet the tests, as set out in The Community Infrastructure Levy Regulations 2010. The tests comprise the following:
- that they are necessary to make the development acceptable in planning terms,
 - directly related to the development,

- and fairly and reasonably related in scale and kind.
97. Suffolk County Council have set out requests for Planning Obligations to be secured through a s106 agreement. Comprising the following;
- £6,000 for the construction of bus stops incorporating raised bus stop kerbs and poles on The Street.
 - £4,610 for the improvement of the public rights of way network including Order making costs.
98. Officers consider that the £6000 for the construction of bus stops meets the tests for obligations set out in The Community Infrastructure Levy Regulations, and thereby recommended the obligation be secured through a Section 106 Legal Agreement. However, the proposed improvement to the public rights of way network is not considered to be necessary to make the development acceptable in planning terms. Officers consider this obligation should not therefore be sought.

PART FOUR – CONCLUSION

Planning Balance

99. The proposal site is within the countryside, where Policy CS1 and CS2 of the Core Strategy states that only development for rural exception housing will be permitted. The proposal does not represent rural exception housing for the purposes of the Core Strategy, whilst remaining inconsistent with Policy H7 of the Local Plan. Thereby, the residential development of the site for up to 42 dwelling would, under normal circumstances, be contrary to the adopted development plan.
100. However, Officers recognise that the aforementioned policies are currently considered out of date, and that the application therefore needs to be determined in accordance with paragraph 14 of the National Planning Policy Framework, with the presumption in favour of sustainable development, approving development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
101. In this case the adverse environmental impact, associated with the introduction of development to an otherwise undeveloped parcel of agricultural land, does not significantly and demonstrably outweigh the benefits of the development, including the significant benefit in helping to meet the current housing shortfall in the district. The proposal would thereby represent sustainable development and should be granted in accordance with the presumption in favour of sustainable development.
102. The application is therefore recommended for approval.

Statement Required By Article 35 Of The Town And Country Planning (Development Management Procedure) Order 2015.

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

104. In this case The Local Planning Authority requested the applicant provide additional/amended information, including a Contaminated Land Survey, Topographical Survey, amended Flood Risk Assessment, additional access drawing and an amended illustrative layout as to resolve issues identified by the case officer and consultees.

Identification of any Legal Implications of the decision

105. It is not considered that there will be any adverse Legal Implications for planning consideration should the decision be approved.
106. The application has been considered in respect of the current development plan policies and relevant planning legalisation. Other legislation including the following have been considered in respect of the proposed development.
- Human Rights Act 1998
 - The Equalities Act 2012
 - Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990
 - Natural Environment and Rural Communities (NERC) Act 2006 (any rural site)
 - The Conservation of Habitats and Species Regulations 2010
 - Localism Act
 - Consideration has been given to the provisions of Section 17 of the Crime and Disorder Act, 1998, in the assessment of this application but the proposal does not raise any significant issues.

RECOMMENDATION

- (1) That the Corporate Manager for Growth and Sustainable Planning be authorised to secure a planning obligation under Section 106 of the Town and Country Planning Act, 1990, to provide:-
- 35% Affordable Housing
 - £6,000 Bus Stop Improvements
- (2) That, subject to the completion of the Planning Obligation in Resolution (1) above, the Corporate Manager for Growth and Sustainable Planning be authorised to grant Planning Permission subject to conditions including: -
- Time limit for reserved matters (standard)
 - Definition of reserved matters
 - Approved plans
 - Quantum of residential development fixed to a maximum of 42 no. dwellings
 - Details of surface water drainage scheme
 - Details of implementation, maintenance, and management of surface water drainage scheme
 - Details of sustainable urban drainage system components and piped networks
 - Details of construction surface water management
 - Programme of archaeological investigation and post investigation assessment
 - Fire hydrant provision details
 - Details of mitigation for farmland birds
 - Development to be completed in accordance with ecology details
 - Proposed levels and finished floor levels details

- External facing materials details
- Hard landscaping scheme (inc. boundary treatments and screen/fencing details)
- Soft landscaping scheme including identification of existing trees and planting and tree protection measures.
- Details of provision, future management, and maintenance of public open space
- Details of the proposed access
- Parking, maneuvering, and cycle storage details
- Details of a construction management plan
- Photographic condition survey
- Details of the areas to be provided for storage of refuse/recycling
- Surface water discharge prevention details
- Estate roads and footpaths details and implementation requirements
- Details of footway on the south side of Garden House Lane
- Construction of carriageways and footways prior to occupation

(3) That, in the event of the Planning Obligation referred to in Resolution (1) above not being secured the Corporate Manager for Growth and Sustainable Planning be authorised to refuse Planning Permission, for reason(s) including:-

- Inadequate provision of infrastructure contributions which would fail to provide compensatory benefits to the sustainability of the development and its wider impacts, contrary to the development plan and national planning policy.