

## **Committee Report**

**Committee Date: 28 June 2017**

**Item No: 1**

**Reference: 4010/16**

**Case Officer: Alex Scott**

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**Description of Development:** Application for Outline Planning Permission – Erection of 5 no. dwellings and garages and construction of new vehicular access.

**Location:** Kyloe, Priory Road, Palgrave, IP22 1AJ

**Parish:** Palgrave

**Ward:** Palgrave

**Ward Member:** Cllr D. Burn

**Site Area:** 0.46 ha

**Conservation Area:** Not in Conservation Area

**Listed Building:** Not Listed

**Received:** 23/09/2016

**Expiry Date:** 19/11/2016

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**Application Type:** Outline Planning Application

**Development Type:** Dwellings - Residential

**Environmental Impact Assessment:** N/A

**Applicant:** Mr & Mrs B. Dorling

**Agent:** Philip Cobbold Planning Consultancy

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### **DOCUMENTS SUBMITTED FOR CONSIDERATION**

The application, plans and documents submitted by the Applicant can be viewed online. Alternatively, a copy is available to view at the Mid Suffolk District Council Offices.

### **SUMMARY**

The proposal has been assessed with regard to adopted development plan policies, the National Planning Policy Framework and all other material considerations. The officers recommend approval of this application.

The scheme will contribute towards meeting the housing needs of the area and will not give rise to significant adverse impact on health and quality of life. The proposal therefore accords with local and national planning policies.

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## **PART ONE – REASON FOR REFERENCE TO COMMITTEE**

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

- at the request of Councillor Burn

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## **PART TWO – APPLICATION BACKGROUND**

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

### **History**

2. No relevant planning history.

### **Details of Previous Committee / Resolutions**

3. None

### **Details of Member site visit**

4. None

### **Details of any Pre Application Advice**

5. The applicant engaged in pre-application advice and was advised by your officers that the principle of new housing development on the site may likely be viewed as acceptable subject to (in particular) no material impacts with respect of biodiversity, land contamination, highway safety.

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## **PART THREE – ASSESSMENT OF APPLICATION**

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### **Consultations**

6. The following responses have been received from consultees:

**Palgrave Parish Council:** Strongly Objects and Recommend Refusal:

- Proposal does not represent sustainable development (sustainability statement provided);
- Palgrave was originally scheduled for 0 houses in the local plan however various larger scale developments have been built since 1998 and 27 dwellings have been granted planning permission in Palgrave since January 2016;
- The site is a long way from the nearest service centre of Diss;

- Palgrave does not have local employment opportunities and future occupants would have to travel to Diss or further afield in order to find employment;
- Sites should be assessed through a strategic allocations process before speculative applications are considered;
- Concern with regards impact of a succession of smaller planning permissions on the capacity and future demand of the Village School;
- Concern with regards Palgrave's lack of other services and facilities such as public open space;
- The proposal contradicts the recent Housing White Paper which will reduce speculative development, and support development that preserves communities' character and protects the countryside;
- Concern with regards the proposal's impact on a nearby listed building known as "Pell Howell";
- Concern with regards the new access, visibility splays and highway safety;
- Note that proposed access is not within the village 30mph speed limit – concern with regards highway safety;
- The site contains a large pond that is spring fed – therefore concern with regards foul and surface water disposal from the site

**SCC – Highways:** Final comments dated 27/04/2017:

- Previous response, recommending refusal, now no longer valid due to additional speed survey information, and revised access visibility splay proposal, provided by the applicant;
- Conclude that intensification of use that the development would create can be facilitated without a detrimental impact on highway safety;
- Therefore, raise no objections subject to compliance with suggested conditions.

**SCC – Archaeology:** Comments Received:

- No grounds to consider refusal of permission in order to achieve preservation *in situ* of any important heritage assets;
- In accordance with paragraph 141 of the National Planning Policy Framework, any permission granted should be the subject of a planning condition to record and advance understanding of the significance of the heritage asset before it is damaged or destroyed.

**MSDC – Heritage Team:** Comments Received:

- Proposal would cause less than substantial harm to the setting of a nearby listed building ("Pell Howell");
- The NPPF expects great weight to be given to preserving designated assets from harm, and expects clear and convincing justification to be demonstrated, whether by public benefits which outweigh the harm or otherwise.

**MSDC – Environmental Health – Land Contamination:** Comments Received:

- Do not consider information submitted by applicant is sufficient in order to fully assess impacts of sources of land contamination on the proposed development;
- Proposal is of a scale that requires a full Phase 1 land contamination desk study and site walkover carried out by a suitably qualified individual.

**EPS – Ecology:** No objection to this development, subject to conditions to secure ecological mitigation and reasonable biodiversity enhancements.

## **Representations**

### 7. Summary of neighbour and other representations

At the time of preparing this report, letters of representation have been received from a total of 9 no. third party sources in conjunction with the application making the following summarised objections:

- The proposal site is outside the Village settlement boundary and would extend into a green space which provides valuable habitat for wildlife and environmental benefits;
- The proposal site is the least suitable location in Palgrave Village and has no services, is not close to amenities, is on an inadequate road and has no connecting footway;
- Palgrave cannot support more houses, the school is full and there are no other facilities, other than a social community centre;
- There is no capacity in the village primary school to accommodate the development;
- The proposal would impose additional pressure on Diss Health services;
- 21 houses have been built in the village since 2016, this is enough;
- The recent White Paper, “Fixing our broken housing market”, states that “local communities (should) decide where development should go”; given the response from the Parish Council and other neighbours, it is clear the community doesn’t want development on this site;
- Access from the narrow lane is dangerous;
- Visibility splays proposed are inaccurate;
- There are differences between carriageway edges as shown on the plan and the position on site;
- Concern that proposed access visibility splays would require the removal of boundary bank and hedging/trees;
- The proposal would destroy the country lane character;
- Concern that proposed visibility splays rely on land not within the applicant’s ownership and cannot, therefore, be achieved/secured;
- Concern for safety of pedestrians as there is no paved footway linking the site to the village centre and no way one could be provided;
- The proposed access lies outside of the Village 30mph speed limit zone;
- There is a blind bend just a few metres to the north of the proposed access;
- The existing road is single carriageway with passing places, not suitable to take increased traffic;
- The lane has become a “rat run” for some traffic to reach the main Diss-Bury road;
- The land is used by HGVs and Farm Traffic;
- The proposal would have a detrimental visual impact on this rural part of the village;

- The proposal would harm the setting of a listed building;
- There is a lack of environmental assessment with regards land contamination;
- The site can be boggy and waterlogged in winter – question means of land drainage;
- Drainage is very poor in the area and there is no mains drainage;
- Proposal will affect wildlife – Owls, hares, voles, frogs, toads, deer, herons, bats, woodpeckers and hedgehogs have been seen on site;
- The site contains a natural pond and building which would result in the destruction of rare animals such as newts;
- The proposal would affect a neighbour's right of way to access land.

### **The Site and Surroundings**

8. The application site extends to 0.46 hectares of existing pastoral land located to the north-east side of Priory Road abutting the southern edge of the settlement boundary of the village of Palgrave.

To the north-west of the site lies an existing residential property, comprising a single-storey detached dwelling known as Kyloe, to the north-east of the site lies an enclosed meadow, to the south-east lie open agricultural fields, and the Priory Road public highway runs adjacent to the south-west site boundary.

The site comprises an area of un-kept grassland with a large pond to the north-east corner. Established tall tree and hedge lines to the south-west highway, and south-east, field boundaries.

The site has an existing access to Priory Road to its north-west corner.

The site lies outside of the Palgrave conservation area, which lies approximately 147 metres to the north-west of the site, however a listed building known as Pell Howell, lies in closer proximity, approximately 27 metres to the north-east of the site.

The site lies within an area of high archaeological interest recorded in the County Historic Environment Record.

The site lies outside of the Waveney Valley Special Landscape Area which lies approximately 200 metres to the south-east.

The site lies completely within Environment Agency Flood Zone 1 and the nearest Zones 2 and 3 lies approximately 200 metres to the south-east.

### **The Proposal**

9. The application seeks outline planning permission, with all matters reserved apart from access, for the erection of 5 no. dwellings and garages on the site, and for the construction of a new vehicular access onto Priory Road.

### **NATIONAL PLANNING POLICY FRAMEWORK**

10. 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.

## **PLANNING POLICIES**

11. The development Plan comprises the Mid Suffolk Core Strategy 2008, Core Strategy Focused Review 2012 and saved policies in the Mid Suffolk Local Plan 1998. The following policies are applicable to the proposal:

## **MID SUFFOLK CORE STRATEGY 2008 AND FOCUSED REVIEW 2012**

12.

- CSFR-FC1 Presumption in favour of sustainable development
- CSFR-FC1.1 Mid Suffolk approach to delivering Sustainable Development
- CS1 Settlement Hierarchy
- CS3 Reduce Contributions to Climate Change
- CS4 Adapting to Climate Change
- CS5 Mid Suffolk's Environment
- CS6 Services and Infrastructure
- CS9 Density and Mix

## **NEIGHBOURHOOD PLAN/SUPPLEMENTARY PLANNING DOCUMENTS/AREA ACTION PLAN**

13. None

## **MID SUFFOLK LOCAL PLAN 1998**

14.

- GP1 Design and layout of development
- HB1 Protection of historic buildings
- HB14 Ensuring archaeological remains are not destroyed
- H3 Housing development in villages
- H13 Design and layout of housing development
- H15 Development to reflect local characteristics
- H16 Protecting existing residential amenity
- H17 Keeping residential development away from pollution
- CL8 Protecting wildlife habitats
- T9 Parking Standards
- T10 Highway considerations in development

## **PLANNING GUIDANCE**

15.

- Suffolk Guidance for Parking – Technical Guidance 2014 (as amended)

### **Main Considerations**

16. 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.

### **The Principle of Development and Sustainability**

17. It is noted that the Parish Council and other third party representations raise significant concerns with regards to the sustainability of the site, particularly with regard to;

- The requirements of the NPPF to be taken as a whole;
- That the employment generated by the construction would be only a short term gain and Sustainability is long term;
- The development would not support existing local services and facilities, which are limited, and local Primary School and Health Services are already at capacity;
- There is no identified need for new dwellings in the village. The only need is for affordable houses, which are not provided in the development;
- The proposal does not meet the environmental role. The lack of existing walking and cycling into the village does not support claims that this would occur here;
- There is little employment in the village;
- Palgrave Parish Council considers that sites should be assessed through a strategic allocations process before speculative applications are considered;
- The approval of sites outside other settlements does not provide a precedent;
- The details cannot be fully considered when dealing with an outline application.

Paragraph 49 of the NPPF states that:

*"Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."*

Mid Suffolk District Council does not have this housing land supply at this time and, as such, the Council's housing supply policies are not considered to be up to date and not, therefore, to carry due weight when assessing the principle of development.

Paragraph 14 of the NPPF states in this respect:

*"For decision-taking this means:*

*approving development proposals that accord with the development plan without delay; and*

*where the development plan is absent, silent or relevant policies are out of date, granting permission unless:*

*any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted"*

In light of this, as the development plan is considered out of date in terms of the Council's housing supply policies, it is necessary to consider that, nevertheless, the NPPF requires that development be sustainable and assess whether the adverse impacts outweigh the benefits when considered in the whole.

Paragraph 7 of the NPPF sets out three dimensions for sustainable development, economic, social and environmental:

*"an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure:*

*a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and*

*an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy."*

The Parish Council have considered these elements in detail, providing reasoning as to why this site is not considered to be sustainable. Taking first the issues which are not fundamentally sustainability issues, the previous permissions granted since January 2016 are a material consideration in this application and cannot be disregarded solely because the Parish Council consider they were not robustly made (a claim that is disputed in any event). Furthermore, the issue of precedent is one that holds little weight in the determination of this application, the proposal should be taken on its own merits.

The application site is considered to lie within the existing settlement pattern of Palgrave, which is a secondary village which benefits from a primary school and church as well as a social community centre. It is not disputed that the site does not benefit from a footpath link to the centre of the village. However, neither do any of the existing properties on Priory Road and pedestrians are observed to regularly use this as a shared surface with the ability to walk to the adjacent public footpaths accessing the countryside beyond. With no settlements, services and facilities or public footpaths to the south of the site pedestrians would head north from the application site, within the existing 30mph speed limit and the development would result in only a marginal increase in pedestrian traffic along the highway when compared to the existing situation.

Whilst the village lacks services and facilities there is a regular bus service available to the nearby sustainable centre of Diss, and its railway station, at such times as to be viable for employment purposes. Villages are, by their very nature, a mixture of people of varying characters and natures, whereby what does or doesn't work for one may be entirely appropriate for another. In this regard, the distances to facilities and services are not such that would be entirely unreasonable for people to access via public transport, cycle or even walking.



As such, the proposal is considered to represent sustainable development with regards to access to services despite the lack of footpath to the centre of the village.

With regards to a need for dwellings local to Palgrave itself, the development would deliver 5 no. new dwellings which would contribute to the wider supply of housing. The Council could not sustain a refusal of planning permission solely on the basis of their being no locally identified need in the village, particularly in the absence of a five year supply of deliverable land overall.

The provision of employment during the construction period would provide a short term economic gain. Whilst this does not weigh heavily in favour of the development, and therefore should be given little weight, it also does not result in any adverse impact to the economy, indeed it is considered that an increased population base would provide a greater catchment and more opportunities for local business growth as a result.

It is acknowledged that the proposed development would meet a social role as required by the NPPF by providing new family homes that would serve to support and grow local services and facilities.

In conclusion, it is acknowledged that the Parish have concerns regarding the sustainability of the development relative to the NPPF and these have been taken into account when considering this proposal. However, it is not considered that the proposal conflicts with the NPPF to such an extent that would justify refusal of the application. Occupiers of the development would have access to a range of facilities and services via alternative means of transport, the development would not be isolated despite its position outside the settlement boundary and would therefore provide sustainable development in accordance with the NPPF when taken as a whole.

### **Planning Obligations**

18. The Community Infrastructure Levy (CIL), a new, fixed rate payment that the council can charge on new buildings in their area to off-set the impacts of additional homes and businesses on facilities such as roads, schools, open space and health centres (infrastructure) and to enable sustainable growth, is now implemented.

Section 106 legal agreements will also be used alongside CIL to secure on-site infrastructure and items that do not fall within the definition of infrastructure, such as affordable housing.

The Council adopted a CIL Charging Schedule on 21st January 2016. CIL will therefore be charged on all relevant planning permissions granted from 11th April 2016 in accordance with the current charging schedule.

It is considered that the proposed development would be liable for CIL charging.

It is not considered that the proposed development would require a contribution towards affordable housing delivery by reason of the number of proposed dwellings (being less than 10 no.).

### **Design and Impact on Landscape**

19. Whilst no indicative layout has been provided with the application it is considered that the application site could comfortably accommodate the proposed number of

dwelling, spaces for the onsite turning and parking of vehicles, and a private residential garden.

Furthermore, it is not considered that the development would result in the loss of any trees or hedgerows of landscape significance and there is the opportunity to secure improved landscape planting by way of a detailed landscape scheme.

The plot would read as a continuation of the existing pattern of development and therefore there would not be reason to refuse the application on the basis of environmental harm.

Further details regarding the scale, form, design and layout of the proposed dwellings and landscaping thereof is expected to be submitted as part of a reserved matters application.

### **Impact on Heritage Assets**

#### 20. Setting of listed building(s)

The site lies to the south-west of 'Pell Howell' (listed as 'Fairways'), originally a farmhouse of late medieval origin which has been the subject of more recent alterations and extensions. This building is grade II listed.

The development of land surrounding 'Pell Howell' since the 1700s has seen the building being flanked by more modern buildings in a broadly linear pattern along Priory Road. The grounds of The Priory, across the road have also been built over. The building's setting has therefore evolved through time and the sense of its isolated rural origin has, therefore, already been eroded somewhat.

The application site lies to the south-west of the building and development of this land would follow a similar broadly linear pattern of development, along Priory Road in a similar character to how the building's setting has already evolved through time.

The Council's Heritage Team and the Suffolk Preservation Society have assessed the application proposal and have concluded that the proposal would result in less than substantial harm to the setting of 'Pell Howell' by reason that the development would result in further loss of undeveloped land in the vicinity of the building. Their assessment concludes that a full and detailed application is required to fully assess the impact of development on the heritage asset before a robust assessment can be made.

Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

It is considered that the long term social benefits of providing new family homes that would serve to support and grow local services and facilities and contribute to the wider supply of housing, and to a lesser extent result in short term economic benefits during the construction phase(s), would outweigh the environmental dis-benefits and the less than substantial harm identified to the setting of the heritage asset.

Further opportunities to secure a design and layout appropriate to the building's setting will be taken at a reserved matters stage.

### **Archaeology**

21. The application site lies within an area of high archaeological interest recorded in the County Historic Environment Record. The development site is located on the edge of the historic settlement core of Palgrave and scatters of Saxon and medieval finds have been recorded in its vicinity. As a result, there is a strong possibility that heritage assets of archaeological interest will be encountered at his location. Any groundworks causing significant ground disturbance have potential to damage any archaeological deposit that exists.

The County Archaeological unit have been consulted on the application and have advised that there are no grounds to consider refusal of permission in order to achieve preservation in situ of any important heritage assets. County archaeologists advise that, in accordance with paragraph 141 of the NPPF, any permission granted should be the subject of a planning condition to record and advance understanding of the significance of and buried heritage assets which may exists before they are damaged or destroyed.

### **Site Access, Parking And Highway Safety Considerations**

22. Following an initial recommendation of refusal from the local highway authority the applicant has provided further information in the form of a revised proposed access layout and an 8 day speed survey, carried out in two locations to the north and south of the proposed access location. A full re-consultation process was carried out on receipt of the further information received.

The local highway authority's formal response, on the basis of the further information received, concluded that, should suggested conditions be complied with, the intensification of use that the development would create can be facilitated without a detrimental impact on highway safety.

Should the proposed access and visibility splays onto the highway be provided as proposed, as per paragraph 32 of the NPPF therefore, the proposal is not considered to result in a severe impact on highway safety.

Further details regarding the proposed layout and on-site turning and parking provision for vehicles is expected to be submitted as part of a reserved matters application which will require further assessment in this regard.

### **Impact on Residential Amenity**

23. The proposed dwellings would be a minimum distance of 26 metres from the nearest existing neighbouring dwelling (if proposed right up against the north-east site boundary). At this location it is considered unlikely that the presence of the proposed dwellings would adversely impact the amenities currently enjoyed by occupants of neighbouring properties.

Further details relating to the final siting, scale, form, design, and fenestration layout of the proposed dwellings are expected to be submitted as part of a reserved matters application. This will enable a more robust assessment of neighbouring impacts at this stage.

### **Flood Risk and Drainage**

24. The application site lies completely within Environment Agency Flood Zone 1 and the nearest Flood Zones 2 and 3 lie a significant distance to the south of the site, at lower ground levels. The proposal site is not, therefore, considered to be a significant risk of flooding from tidal or fluvial sources.

The applications forms indicate that foul drainage from the site will be via mains drainage and that the opportunity will be taken to dispose of surface water via a sustainable drainage system. Further details of the precise means of water disposal from the site is required by way of condition.

### **Environmental Impacts – Land Contamination**

25. The applicant has provided a desk based land contamination report with the application, carried out by a suitably qualified organisation in September 2016. The report concludes that the property is unlikely to be designated "contaminated land" within the meaning of Part 2A of the Environmental Protection Act 1990.

It is accepted that, by reason of the scale of the development proposed, that further intrusive land contamination investigation will be required, and any required mitigation carried out, prior to commencement of development. Such further investigation and mitigation will be secured by way of condition.

### **Biodiversity and Protected Species**

26. In assessing this application due regard has been given to the provisions of the Natural Environment and Rural Communities Act, 2006, in so far as it is applicable to the proposal and the provisions of Conservation of Habitats and Species Regulations, 2010 in relation to protected species.

The applicant has provided an Ecological Appraisal with the application, carried out by a suitably qualified organisation.

The appraisal returned no record of: Badgers; Dormice; Great Crested Newts; Otters; Reptiles; Water Voles; or White-Clawed Crayfish within 500 metres of the application site. The appraisal also reports that the site does not provide suitable habitat for Skylarks, which require large open fields to avoid predators and avoid areas close to woods, hedgerows and other vertical structures such as the application site.

The appraisal did, however, return records of a Bat Roost within 500 metres of the site and records of nesting Birds and Hedgehogs on the site.

The appraisal concluded that should suggested biodiversity mitigation and enhancements be implemented then the proposal would not result in harm to any protected or priority species or their habitats.

The Council's Ecological Consultants at Essex Place Services have appraised the submitted ecological information and consider this to be adequate for determination of the application. EPS consider the development is likely to result in impacts on ecological features including Protected and Priority species however it can be made

acceptable with mitigation secured to minimise the impacts. EPS therefore raise no objection to the proposed development, subject to conditions being attached to any permission granted to secure ecological mitigation and biodiversity enhancements.

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## **PART FOUR – CONCLUSION**

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### **Planning Balance and Assessment**

27. When taken as a whole and as a matter of planning judgement, the proposal is considered to adhere to the development plan and NPPF and therefore can be considered sustainable development. There is a presumption in favour of sustainable development. The application is therefore recommended for approval.

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

28. When determining planning applications The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires Local Planning Authorities to explain how, in dealing with the application they have worked with the applicant to resolve any problems or issues arising. In this instance the applicant has worked to address problems and has sought to resolve these wherever possible.

### **Identification of any Legal Implications of the decision**

29. The application has been considered in respect of the current development plan policies and relevant planning legalisation. Other legislation including the following has 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**

Grant Outline Planning Permission subject to conditions including:-

- 1) Reserved Matters Application Condition;
- 2) Time Limit for submission of reserved matters application and commencement;
- 3) Standard List of Approved Plans and Documents;

- 4) Land Contamination report and remediation prior to commencement;
- 5) Programme of Archaeological investigation and recording prior to commencement;
- 6) Details of surface water drainage
- 7) Those required by the Local Highway Authority;
- 8) Those required by the Council's Ecology Consultants;
- 9) Details of external materials and colours;
- 10) Landscaping Scheme and aftercare