

## **Committee Report**

**Committee Date: 26 July 2017**

**Item No: 1**

**Reference: 3506/16**  
**Case Officer: Sian Bunbury**

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

**Location:** Barking Road, Needham Market IP6 8HG

**Parish:** Barking, Needham Market

**Ward:** Barking & Somersham, Needham Market

**Ward Members:** Anne Killett, Wendy Marchant, Mike Norris

**Site Area:** 9.96ha

**Conservation Area:** No

**Listed Building:** None

**Received:** 15/08/2016 17:01:05

**Expiry Date:** 27/02/2017

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**Application Type:** Outline Planning Permission

**Development Type:** Dwellings - Residential

**Environmental Impact Assessment:**

**Applicant:** Hopkins Homes Limited

**Agent:** Bidwells LLP

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### **DOCUMENTS SUBMITTED FOR CONSIDERATION**

List of applications supporting documents and reports :

Planning Application forms dated 15/08/16

Location Plan dwg.no. 001 received 15/08/16

Site Access Arrangement dwg.no. 002A

Site Access Layout dwg. no.SK101 rev A

Design and Access Statement  
Planning Statement received 15/08/16  
Statement of Community Involvement  
Development Framework Plan  
Illustrative Master Plan Rev A  
Extended Phase 1 Habitat Survey  
Phase 2 Ecological Surveys and Assessment  
Flood Risk Assessment Revision A  
Drainage Strategy Version B dwg.no. SK100/Rev B  
Stormwater Maintenance Regime dated March 2017  
Geophysical Survey Report received 15/08/16  
Ground Investigation Report number 14333SI dated January 2016 received 15/08/16  
Transport Assessment  
Interim Residential Travel Plan Revised Revision A  
Arboricultural Impact Statement including Tree Survey and Protection Plan dwg.no.1 Plans 1, 2 and 3  
Landscape and Visual Impact Assessment received 15/08/16, including Landscape Strategy Acoustic Survey, Utilities Report  
Archaeological Desk Based Assessment and Archaeological Evaluation Report dated January 2017

The application, plans and documents submitted by the Applicant can be viewed online via the following link:

<http://planningpages.midsuffolk.gov.uk/online-applications/>

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

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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:

1. The application was considered at Development Control Committee B on 14 June and Members were minded to defer the application for a site visit (to be referred to Referrals Committee).

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## **PART TWO – APPLICATION BACKGROUND**

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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**

2. The planning history relevant to the application site is listed below. A detailed assessment of the planning history including any material Planning Appeals will be carried out as needed in Part Three:

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

- 3 The application was considered at Development Control Committee B on June 14<sup>th</sup> and Members were minded to defer the application for a site visit and referral to Referrals Committee.

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

4. A site visit was held on July 19<sup>th</sup>.

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

5. Pre-application meetings were held with MSDC Officers to agree the scope of the application and discuss the illustrative Master Plan and community involvement.

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

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### **Consultations**

6. MSDC – Environmental Health (Noise/other). No objection providing mitigation measures relating to glazing and acoustic barrier are implemented.

MSDC – Environmental Health (Land Contamination). No objection

MSDC – Arboricultural Officer – No objection. Recommend conditions relating to Arboricultural Method Statement and Tree Protection Plan.

SCC – Archaeological Service. Recommend standard conditions

SCC Highways. PROW – No objection. There are no public rights of way either within or directly adjacent to the proposed development area. SCC may seek contributions for improvements to the network.

SCC Floods – Recommend conditions relating to submission of a surface water drainage scheme, a Sustainable Urban Drainage System (SUDS) and a construction surface water management plan.

SCC Natural Environment Team (Landscape) – A Landscape and Visual Assessment has been provided as part of the application and the Development Framework Plan suggests that some dwellings may be as high as 3 storeys. Effects on the characteristic arable land cover and widespread visual effects of a high magnitude could be reasonably minimised by robust mitigation. Suggest that dwellings should be a maximum of 2.5 storeys and suggests conditions relating to submission of hard and soft landscaping masterplan, management plan and Design Code.

Environment Agency – Original objection removed following receipt of an amended Flood Risk Assessment. The application should be assessed by MSDC in accordance with our remit.

Anglian Water – Will have capacity for flows. No comment re surface water management.

Suffolk Wildlife Trust – Following receipt of additional survey information regarding hazel dormouse recommend that habitat should be maximised. Require clarification on open space provision, which should be included as part of reserved matters, which should be based on up-to-date ecological survey information.

Place Services (Ecology) – Original objection withdrawn following receipt of additional information. The mitigation measures should be secured. A long term Landscape and Ecological Management Plan should be prepared and secured through condition. Recommends conditions relating to Biodiversity mitigation and enhancement, Landscape and Ecological Management Plan and Lighting Design.

SCC Highways – Additional information, specifically the clarification of traffic speeds, speed limit and achievable visibility splays at the proposed access, resolves the matters that led to an earlier recommendation of refusal.

Do not object subject to a S106 to its satisfaction, and conditions.

Recommended conditions in relation to:

Visibility, laying out and provision of vehicular access to B1078, discharge of surface water, details of estate roads and footpaths and their construction, details of storage and presentation of bins, details of manoeuvring and parking of vehicles, Construction Management Plan.

The applicant has agreed to construct a cycleway 3m wide along the site frontage from the access to the southern limits of the Health Centre. Onwards to Foxglove Avenue it would be 1.8m minimum.

Natural England – No objection. Operational lighting should be designed through a lighting strategy.

NHS England – The proposal will impact on a GP surgery. Acknowledge that the development will be liable for CIL charges. Is not clear whether the developer is proposing to deliver the new car park fully complete or supply the land. Needs further details. The existing GP practice does not have capacity to accommodate the additional growth and mitigation is required in accordance with the NPPF.

SCC Infrastructure – Seek contributions through CIL for primary school provision and libraries. Site mitigation required for passenger transport links and Public Rights of Way.

MSDC – Housing. No objection. Sets out required mix for 53 Affordable Houses.

Suffolk Police – Design out Crime – Comment re design and layout which can be explored at stage of Reserved Matters.

SCC Fire and Rescue – Recommend conditions for hydrant provision. Details to be provided via Building Regulations.

Needham Market Town Council – Object on the following grounds, and having expressed frustration over lack of dialogue, Local Plan or five-year Housing Land supply. The proposal should not be allowed to proceed in isolation of the longer term aspirations for the town.

- The sewerage and surface water systems may require a balancing pond.
- A roundabout at the Barking Road entrance would be advantageous.
- A pedestrian access should be included from the development onto Foxglove Avenue.
- Considerable concern whether the infrastructure of the town can cope with increase in residents, particularly the doctors' surgery and schools.
- The access road should be wide enough to allow a bus service.
- Parking control/restrictions should be included.

Barking Parish Council – Object

1. Part of the site lies within the Parish of Barking, which is in the ' countryside' designation of the Local Plan, and the development is a departure from the Local Plan as there are restricted facilities and services in the Parish.
2. The development will lead to a Parish boundary review.
3. The proposed development, including night time light pollution will have a negative impact on the visual character of the area. Most of the Parish is designated a Special Landscape Area.
4. The lack of a 5-year Housing Land Supply is allowing developers to ride roughshod over small countryside communities.
5. There is land available within the Needham Market boundary.
6. Barking Village Design Statement (2002) and Parish Plan (2011) are largely ignored as they refer to retaining the character of the landscape and village; respecting views in and out of the village, not making incursions into agricultural land and providing for limited housing need.
7. Concern of highway implications and assessment, volume and speed of traffic.
8. Wildlife habitats should be protected not lost forever.
9. Government guidelines to protect countryside, nature, wildlife and historic sites and buildings.

10. The development will relate to Needham Market rather than Barking and the Parish has been largely ignored by the developers.
11. There is a history of flooding in the locality and the 'dry' pond adjacent to the proposed surgery car park is a token.
12. The Doctors Practice has said that it can cope but where is the evidence. Cannot currently meet the needs of the community.
13. There is no strong case for a large housing development within Barking. Any new homes should be within the settlement boundary
14. Permission would inevitably lead to further development on adjacent land.
15. The application should not be dealt with in isolation from a long term strategy by Mid Suffolk District Council.

## **Representations**

### 7. Summary of neighbour and 33 other representations

- The proposal will result in traffic congestion on local roads, including those leading to the A14 and A140 through the narrow railway bridge, and adding to traffic generated from the Chalk Quarry development (266 dwellings).
- The submitted traffic survey seems to largely relate to public transport. The noise generated from the volume of traffic has not been addressed.
- The roads are heavily used and there have been fatalities.
- There is no footpath from the proposed estate and Foxglove Avenue into Needham Market.
- Impact on local infrastructure: Doctors' Surgery, Schools and employment opportunities.
- Environmental issues: flooding – many houses in Foxglove Avenue have been flooded, and surface water has not been addressed. Wildlife: The Phase 1 Ecology Report is insufficient (Officer's note: a later Phase 2 Survey was submitted.) Archaeology: there is a lack of information to demonstrate mitigation.
- Overdevelopment as there is no pressing need for additional units on top of those in Needham Market which already have permission. Development is not needed on this agricultural field.
- The site is outside the Settlement Boundary.
- If allowed this development will erode the rural character and way of life of the character of Needham Market.
- Development should be on the Stowmarket side of Needham Market, towards the centre of employment.

### Summary in support:

- The development will help to sustain shops in Needham Market, and houses are needed in walking distance, with improved links and widening of the footpath in Barking Road.
- Should be minimum 30% affordable housing.
- Redesign of the surgery car park and access onto the Barking Road.

## **The Site and Surroundings**

8. The site is located on the south western edge of Needham Market and is partly within the parish of Barking. The site is in agricultural use and an area of woodland (protected by TPO) lies within the western part of the site, with a Special Landscape Area adjacent to the west and south. To the north of the site lies established housing and a Doctors Surgery. The site rises from the B1113 where a single access point is proposed, crossing a watercourse. An industrial sandblasting premises lies to the south of the site.

## **The Proposal**

Please note details of the proposed development including plans and application documents can be found online.

9. The application is in outline for the construction of 152 dwellings with matters other than the vehicular access being reserved matters. A Development Framework indicates parameters for the scheme and an illustrative masterplan shows an indication of the possible layout and matters relating to appearance, layout, landscaping and scale. The proposal includes market and affordable homes, garages, parking, estate roads, public open space, play areas, landscaping and amenity green open space, sustainable drainage systems, with associated infrastructure including additional car parking and improved vehicular access to Needham Market Country Practice (the GP Surgery).

## **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.
  - Paragraph 6 - The purpose of the planning system is to contribute to the achievement of sustainable development. The policies in paragraphs 18 to 219, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.
  - Paragraph 7- details the three roles of sustainable development as economic, social and environmental and that development should seek to provide enhancements to these roles.
  - Paragraph 8 - states that the three roles of sustainable development should be sought jointly and not in isolation.
  - Paragraphs 11-15 identify the presumption in favour of sustainable development.
  - Paragraph 17- lists the 12 core planning principles. Most notable are, that all development should secure high quality design, high level of amenity, support the transition to a low carbon future and actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

- Paragraph 32 and 34 necessitates that all decisions should take account of whether safe and suitable access to the site can be achieved for all people. The need to travel should be minimised and the use of sustainable transport should be maximised.
- Paragraph 47 seeks to deliver a wide choice of high quality homes.
- Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development. 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.
- Paragraph 55 sets out that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and not be considered isolated.
- Paragraph 56 to 60 - Good design is a key aspect of sustainable development is indivisible from good planning. Achieve high quality design which function well, establish strong sense of place, safe and visually attractive places.
- Paragraph 64 – Development of poor design must not be supported.
- Paragraph 69 - To promote healthy communities, clear and legible pedestrian routes and high quality public space.
- Paragraph 73 - Access to high quality open space.
- Paragraph 75 – Protection and enhancement of Public Rights of Way.
- Paragraphs 93 -103 identify the challenge of meeting climate change and flooding.
- Paragraphs 109,112, 118 and 119 The planning system should contribute to and enhance the natural and local environment and protect wildlife.
- Paragraph 123 – Planning and noise.
- Paragraph 183 – 185 Neighbourhood Plans.
- Paragraph 186 and 187 – Approaching decision taking in a positive way and looking for solutions rather than problems.

## **CORE STRATEGY**

11. Summary of relevant policies Core Strategy 2008 and Core Strategy Focused Review:
- Policy CS1 "Settlement Hierarchy" sets out the distribution of housing across the district.
  - Policy CS2 "Development in the Countryside and Countryside Villages" defines the categories of development which may be supported in the countryside. This does not include new private market dwellings.
  - Policy CS4 "Adapting to Climate Change" details that development proposals will contribute to the delivery of sustainable development and to plan for climate change through addressing its causes and potential impacts in terms of flood risk, biodiversity and pollution.
  - Policy CS5 "Mid Suffolk's Environment" states that all development will maintain and enhance the environment and retain local distinctiveness of an area. It will protect and conserve landscape qualities.
  - Policy CS6 "Services and Infrastructure" states that new development will provide or support appropriate infrastructure.
  - Policy CS8 "Provision and Distribution of Housing"
  - Policy CS9 "Density and Mix" details that New housing development should provide a mix of house types, sizes and affordability.



- Policy FC1 "Presumption in favour of sustainable development" details that when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.
- Policy FC1.1 "Mid Suffolk approach to delivering Sustainable Development" sets out that development proposals will be required to demonstrate the principles of sustainable development and will be assessed against the presumption in favour of sustainable development. Proposals for development must conserve and enhance the local character of the different parts of the district.

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

12. The Barking Village Design Statement (2002) and Parish Plan (2011) refer to retaining the character of the landscape and village; respecting views in and out of the village, not making incursions into agricultural land and providing for limited housing need. Matters relating to the economy and highways are identified. The Design Statement has been adopted by MSDC as Supplementary Planning Guidance and is a Material Consideration in determining planning applications.

Needham Market Town Council are preparing a Neighbourhood Plan.

### **SAVED POLICIES IN THE LOCAL PLAN**

13. Summary of policies in the Mid Suffolk Local Plan 1998:
- Policy GP1 "Design and layout of Development" sets out the design principles for all development in Mid Suffolk. Proposals should maintain or enhance the character and appearance of their surroundings and the site. Development should respect the scale and density of surrounding development, incorporate and protect important natural landscape features and make proper provision for parking in manner which does not dominate the appearance of the development.
  - Altered Policy H4 "A Proportion of Affordable Housing in new housing developments" development over 5 dwellings in the countryside shall provide up to 35% affordable units.
  - Policy H13 "Design and Layout of Housing Development" details that new housing development will 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. It should respect the character of the site and the relationship with the surrounding area, not unduly affect amenities of neighbouring residents, have adequate privacy and private amenity, retain landscape features unless impracticable or unnecessary and provide satisfactory access to the highway network.
  - Policy H14- Encourage a variety of house types and designs to cater for different accommodation needs and to avoid undue uniformity.
  - Policy H15 "Development to Reflect Local Characteristics" states that new housing should be consistent with the pattern and form of development in the neighbouring area, the character of its setting, site constraints and the sites configuration including its natural features.

- Policy H16 “Protecting Existing Residential Amenity” details that the permission will be refused if the development will materially reduce the amenity and privacy of adjacent dwellings or erodes the character of the surrounding area.
- H17 “Keeping Residential Development Away From Pollution” states that residential development will be refused if affected by excessive traffic noise, or have significantly reduced amenity or safety by virtue of proximity to agricultural or industrial premises.
- CL2 “Development Within Special Landscape Areas” where care will be taken to safeguard landscape quality, and where development should be sensitively designed with high standards of layout, materials and landscaping.
- CL5 “Protecting Existing Woodland” states that development which would result in the loss or damage to woodland will be refused.
- CL6 “Tree Preservation Order “these will be used where removal of trees or woodland would be detrimental to visual amenity.
- CL8 “Protecting Wildlife Habitats” states that development will be refused where there is significant loss or alteration of habitats and where development is permitted the retention of important habitats will be sought.
- Policy T9 “Parking Standards” states that development proposals shall accord with the adopted parking standards
- Policy T10 “Highway Considerations in Development” details that regard will be given to the safe access to and egress from the site, suitability of existing roads for safe access and amount and type of traffic generated, adequate space for parking and turning cars within the site.
- RT4 “Amenity open space and play areas within residential development”
- RT12 “Footpaths and Bridleways” states that the footpath and bridleways network will be improved and modified.

### **Housing Land Supply**

14. 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.
15. 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.
16. 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)).

### **Officer’s Assessment and Main Considerations**

17. 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.
18. The application is in outline, with the access being part of the proposal but all other matters reserved. In assessing the principle of the proposal the following are identified as the main considerations:

### **The Principle Of Development**

19. 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. Needham Market is identified as a Town which would be the main focus of development.
20. 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
21. Policy H7 of the Local Plan seeks to restrict housing development in The Countryside in the interests of protecting its existing character and appearance.
22. The proposal site is located adjacent to the Settlement Boundary and therefore in 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 erection of up to 152 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.

23. 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.
24. Policies 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 which can be afforded weight, since they contribute 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.
25. In this case, despite its location within the countryside, the proposal to develop a scheme of up to 152 dwellings outside of the settlement boundary of a Town is acceptable in principle, as detailed below. The balance in favour of sustainable development is assessed in the light of the impacts of the development and the appropriate mitigation and amelioration measures.

### **Sustainability Assessment Of Proposal**

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 152 dwelling houses 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 152 additional dwellings, including 35% affordable housing provision. This would be in accordance with Altered Policy H4 of the Local Plan.
32. These social and economic benefits weigh in favour of the scheme and the wider 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 that the site is adjacent to the Needham Market settlement boundary, the site has a good relationship to the town geographically and in relation to services/facilities.
35. A bus service is available that connects Needham Market to a number of settlements, including Ipswich and Stowmarket.
36. There are existing bus stops on Barking Road and Foxglove Avenue. Additionally, a Planning Obligation is sought, secured through a Section 106 Legal Agreement, to create pedestrian links and improve the existing bus stop by raised kerbs and passenger information.
37. The proposal includes the provision of a cycleway and footpath, secured by way of condition, to connect the site to the existing footpath network.
38. Given the above, Officers consider the proposal is located as to enable future occupiers access to services and facilities within Needham Market, whilst alternative methods of transport additional 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.

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

39. 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.

40. 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.
41. Policies T10 and T9 are not policies relating to housing supply and are not therefore considered to be out of date.
42. Section 4 of the NPPF seeks the promotion of sustainable transport whilst paragraph 75 seeks to protect and enhance public rights of way and access.
43. Access details form part of the application and have been subject to consideration by SCC Highways. Additional information, specifically the clarification of traffic speeds, speed limit and achievable visibility resolves the matters that resulted in the earlier recommendation of refusal.

The terminal signs for the speed limit on Barking Road are incorrectly located and should be approximately 25m to the south of the current location. The applicant has modified the location of the access road slightly to the north of the original proposed location which will provide visibility of 2.4m x 110m to the south of the access and 2.4m x 90m to the north. Traffic management works will be undertaken at the south end of the speed limit on the B1078 Barking Road, and a legal obligation will be entered into to reduce the speed limit between Needham Market and Barking.

The applicant has agreed to construct a 3m wide cycleway along the site frontage from the new access road, southwards, with a 1.8m wide footway connecting to the existing network.

An alternative internal highway layout would be achievable and is possible to accord with Manual for Streets.

Other considerations relate to the provision of street lighting along Barking Road, the implementation of a Travel Plan, improvements to the Public Right of Way network all with a S106 contribution.

### **Design And Layout**

44. An illustrative layout has been submitted but which only indicates a possible layout and housing mix. The layout is broadly acceptable and illustrates that the development of the dwellings with associated open spaces and landscaping, together with infrastructure and car parking can be accommodated without having a significant adverse impact on the character of the locality.

### **Landscape Impact**

45. The site is on rising land with a small area of woodland on the western side of the site and is otherwise largely arable. The site abuts a Special Landscape Area. The loss of arable land will change the character of the area with widespread visual effects and changes to outlooks from adjoining dwellings, local roads and rights of way. A detailed Landscaping Masterplan would be required to minimise landscape and visual impacts and deal with hard and soft landscaping, ecological mitigation, open space and SUDS layout.

46. 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 sites 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.

### **Environmental Impacts - Trees, Ecology And Land Contamination**

47. The Tree Officer has raised no objection but would require an Arboricultural method Statement and Tree Protection Plan to be submitted. Details of landscaping and additional planting would form part of an application for Approval of Reserved Matters.
48. The NPPF and Policy CS5 and statutory obligations on the Local Authority require the impact on ecology to be assessed. Whilst the works will result in impacts on important ecological features this can be made acceptable and will contribute to biodiversity net gain. Consultation responses have acknowledged the receipt of an Ecological Appraisal and recommend mitigation measures to be included in any conditions.
49. No objection has been raised by the Environmental Health team in response of Land Contamination.

### **Impact On Residential Amenity**

50. 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.
51. Policy H13 of the Local Plan seeks to ensure new housing development protects the amenity of neighbouring residents.
52. 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.

### **Flood Risk**

53. The proposal is classified as 'more vulnerable' development in terms of flood risk vulnerability. The site lies within Flood Zones 1, 2 and 3 and access to and from the development crosses the watercourse and the area at highest risk of flooding. Accordingly an access bridge is proposed which would require consent from SCC. This development should not increase flood risk to the town, and ideally should reduce the risk of flooding.

54. A revised Flood Risk Assessment was submitted which enabled the Environment Agency to withdraw its original objection as the proposals site buildings and surface water attenuation areas within Flood Zone 1. Advice is given that flood evacuation should be assessed by the Local Authority.
55. Local objections have been received concerning local flooding, particularly of properties in Foxglove Avenue. SCC Flood Authority advise that the proposed development will help to improve the historic surface water flooding in the locality. Run-off will be diverted and conveyed through the site's surface water drainage balancing system in a controlled manner.

### **S106 Planning Obligations and CIL**

56. 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.
57. 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.
58. 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
59. Details of specific CIL contribution requirements which would form the basis of a future bid to the District Council, should planning permission be granted and implemented are as follows:

#### **Education.**

- The local catchment Primary School is Bosmere Community Primary School which is forecast to have no surplus places, although there are sufficient places at Stowmarket High School. An educational contribution of £3,045.25 per dwelling - £462,878.00 for the primary school is sought which would be reviewed at key stages of the application process.



**Transport.**

- Travel Plan, Evaluation and Support Contribution of £1,000 per annum for minimum of five years or one year after occupation, whichever is the longest. Travel Plan Implementation Bond, or cash deposit of £102,339 (£673 per dwelling).
- Off-site improvements to the Public Right of Way network will require a contribution of £46,563.00 which should be index linked and any unspent balance repayable after 5 years from the date of payment.
- Creating pedestrian links to bus stops and improving existing bus stops £5,000 and providing two Real Time Passenger Information Screens £20,000.

**Libraries.** £216.00 per dwelling - £32,832.00

**Health facilities.**

NHS England have confirmed the proposed development is likely to have an impact on the services of the GP Practice operating nearby which does not have capacity for the additional growth resulting from this development. It is acknowledged that the proposed development will be liable for CIL and would form the basis of a future bid to the District Council for CIL funds.

60. 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.

61. 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.
- Suffolk County Council have set out requests for Planning Obligations to be secured through a s106 agreement. Comprising the following:
- Travel Plan, Evaluation and Support Contribution of £1,000 per annum for minimum of five years or one year after occupation, whichever is the longest. Travel Plan Implementation Bond, or cash deposit of £102,339 (£673 per dwelling).
  - Off-site improvements to the Public Right of Way network will require a contribution of £46,563.00 which should be index linked and any unspent balance repayable after 5 years from the date of payment.
  - Creating pedestrian links to bus stops and improving existing bus stops £5,000 and providing two Real Time Passenger Information Screens £20,000.
  - Obtaining a legal Order to reduce the speed limit between Barking and Needham Market and to implement the Order £10,000.

Officers consider that the sum 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.

62. In accordance with the Community Infrastructure Levy Regulations, 2010, the obligations recommended to be secured by way of a planning obligation deed are (a) necessary to make the Development acceptable in planning terms (b) directly related to the Development and (c) fairly and reasonably relate in scale and kind to the Development.

#### **Details Of Financial Benefits / Implications (S155 Housing and Planning Act 2016)**

63. The scheme would result in housing subject to both CIL and council tax.

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## **PART FOUR – CONCLUSION**

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### **Planning Balance**

64. 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 152 dwelling would, under normal circumstances, be contrary to the adopted development plan.
65. 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.
66. 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, as well as the social and economic benefits and support for local services. The proposal would thereby represent sustainable development and should be granted in accordance with the presumption in favour of sustainable development.

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

67. 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.
68. In this case the planning authority has received amended information and furthered consultation to resolve issues particularly those in relation to biodiversity, flooding and highways.

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

69. It is not considered that there will be any adverse Legal Implications for planning consideration should the decision be approved.
70. The application has been considered in respect of the current development plan policies and relevant planning legislation. Other legislation including the following have been considered in respect of the proposed development.
- Human Rights Act 1998
  - The Equalities Act 2010
  - 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
- Requirements as identified by SCC Highways
- Provision of open space
- Provision of car park

(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 152 no. dwellings
- Noise assessment – implementation of mitigation measures.
- Details of surface water drainage scheme
- Details of implementation, maintenance, and management of surface water drainage scheme
- Details of sustainable urban drainage system
- Details of construction surface water management
- Programme of archaeological investigation and post investigation assessment
- Fire hydrant provision details
- Details of ecological survey, biodiversity mitigation and enhancement measures
- Development to be completed in accordance with ecology details
- Details of lighting design

- External facing materials details
- Submission of hard and soft landscaping masterplan
- Submission of Arboricultural Method Statement including tree protection measures
- Details of Landscape and Ecology Management Plan including maintenance of public open space
- Details of design code with dwellings a maximum of 2.5 storeys
- Details of the proposed access and layout
- Requirements for visibility
- Parking, maneuvering, and cycle storage details
- Details of a construction management plan
- Details of the areas to be provided for storage of refuse/recycling
- Surface water disposal details
- Estate roads and footpaths details and implementation requirements
- 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 - 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.