

## **Committee Report**

**Committee Date:** 23.8.17

**Item No:** 1

**Reference:** 0460/17  
**Case Officer:** Stephen Burgess

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**Description of Development:** Application for Outline Planning Permission (with all matters other than means of access reserved) for residential development of 40 dwellings with associated improvements to public footpaths, creation of public open space and provision of area of woodland for use by primary school.

**Location:** Land at Back Hills, Botesdale, IP22 1DW

**Parish:** Botesdale

**Ward:** Rickinghall & Walsham

**Ward Members:** Cllr Jessica Fleming and Cllr Derek Osborne

**Site Area:** 3.09ha

**Conservation Area:** Adjoins

**Listed Building:** No

**Received:** 23.2.17

**Expiry Date:**

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**Application Type:** Outline Planning Permission

**Development Type:** Major dwellings

**Environmental Impact Assessment:** N/A

**Applicant:** Burgess Homes Ltd

**Agent:** Phil Cobbold Ltd

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### **DOCUMENTS SUBMITTED FOR CONSIDERATION**

List of applications supporting documents and reports:

#### **Defined Red Line Plan:**

The defined Red Line Plan for this application is 1:2500 Scale Site Plan Drawing no.680/1 received 2<sup>nd</sup> February 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 the Mid Suffolk website via the following link:

<http://www.midsuffolk.gov.uk/planning/development-management/application-search-and-comment/search-for-applications/> . Alternatively, a copy is available to view at the Mid Suffolk 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 Council accepts that it cannot currently demonstrate a five year housing land supply in the District, as required by the NPPF. 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 (as stated in paragraph 49 of the NPPF).

Where policies cannot be considered up-to-date, the NPPF (paragraph 14) cites the presumption in favour of sustainable development and states that planning permission should be granted unless i) any 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 ii) specific policies in the NPPF indicate development should be restricted.

Officers conclude that there are no specific policies that indicate development should be restricted. Therefore, the proposal should proceed to be determined in accordance with the presumption in favour of sustainable development.

Officers are recommending approval of this application as the significant benefits that the scheme will deliver are considered to outweigh the adverse impacts of the proposal. The proposal thereby represents sustainable development and should be granted in accordance with the presumption in favour of sustainable development.

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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:

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

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## **PART TWO – APPLICATION BACKGROUND**

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

### **History**

2. None

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

3. None

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

4. None

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

5. Pre-application advice was given by a Planning Officer.

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

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### **Consultations**

6. Summary of Consultations

#### **7. Botesdale Parish Council**

- Botesdale Parish Council objects to the application on the basis that there is insufficient evidence that the access location is viable and will not add to existing problems exiting Back Hills. Councillors generally accept the principle of development on the site.
- However, the Strategic Housing Land Availability Assessment (SHLAA) in May 2016 assessed the estimated yield at this site as 20 dwellings and this proposal is double that. There is significant concern about the location of the access and the usefulness of a speed survey conducted out of term time.
- There is considerable anecdotal evidence of difficulties exiting Back Hills and there is every reason to think that a new access in close proximity to the national speed limit zone will also be potentially hazardous. Nothing in the application addresses these existing problems and there are no proposals to mitigate the impact of a second access on that stretch, such as extending the 30mph zone.
- It is not accepted that there would be few additional vehicle movements through the village via Back Hills and Diss Road and this assertion runs counter to the claim that additional residents will support local services. Public transport links are misrepresented as they are not currently sufficient to limit these movements. Additionally, there is a question concerning the benefit of giving an area of land to the school/pre-school as it is already on a long lease to the pre-school.
- Finally, councillors expressed dismay that there has been no opportunity to discuss the proposals in advance of an application.

#### **8. SCC Highways**

- the County Council as Highway Authority recommends that any permission which that Planning Authority may give should include the conditions shown below:
- Condition: The new vehicular access shall be laid out and completed in all respects in accordance with Drawing No. 253/2015/02/P1 as submitted; and with an entrance width of 5.5 metres and made available for use prior to any dwelling being first occupied. Thereafter the access shall be retained in the specified form. Reason: To

ensure that the access is designed and constructed to an appropriate specification and made available for use at an appropriate time in the interests of highway safety

- Condition: Before the development is commenced, details of the estate roads and footpaths, (including layout, levels, gradients, surfacing and means of surface water drainage), shall be submitted to and approved in writing by the Local Planning Authority. Reason: To ensure that roads/footways are constructed to an acceptable standard.
- Condition: No dwelling shall be occupied until the carriageways and footways serving that dwelling have been constructed to at least Binder course level or better in accordance with the approved details except with the written agreement of the Local Planning Authority. Reason: To ensure that satisfactory access is provided for the safety of residents and the public.
- Condition: Before any dwelling is first occupied the existing public footpath (number 6 Botesdale) which runs through the application site shall be widened and surfaced in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority. Reason: To enable pedestrians from the development to safely access Diss Road / The Street on a properly surfaced footpath of sufficient width.
- Condition: Before the development is commenced details of the areas to be provided for the manoeuvring and parking of vehicles including secure cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose. Reason: To ensure the provision and long term maintenance of adequate on-site space for the parking and manoeuvring of vehicles, where on-street parking and manoeuvring would be detrimental to highway safety.
- Condition: Before the access is first used visibility splays shall be provided as shown on Drawing No. 253/2015/02/P1 as submitted with an X dimension of 2.4 metres and a Y dimension of 133 metres and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays. Reason: To ensure vehicles exiting the drive would have sufficient visibility to enter the public highway safely and vehicles on the public highway would have sufficient warning of a vehicle emerging in order to take avoiding action

## **9. Environmental Health (Land Contamination)**

- In terms of land contamination, we have no objections to this application.

## **10. Heritage Officer**

- The Heritage Team considers that the proposal would cause no harm to a designated heritage asset because it would not adversely affect the setting of the conservation area or of nearby listed buildings.
- The Heritage Team finds no reason to object on heritage grounds at this stage.

## **11. Tree Officer**

- No objection as based on the indicative layout plan no trees would be lost

## **12. SCC Archaeological Service**

- This site lies in an area of archaeological potential, overlooking a watercourse in a location which is topographically favourable for early occupation of all periods. Prehistoric and medieval finds have been discovered immediately to the west of the proposed development area (HER no. BOT 015), with Roman and Saxon finds further west (BOT 004). These are indicative of wider activity in the vicinity, however, this site has never been the subject of systematic archaeological investigation and there is high potential for previously unidentified archaeological remains to be present. The proposed development would cause significant ground disturbance that has potential to damage or destroy any below ground heritage assets that exist.
- Whilst we would strongly advise that archaeological evaluation is undertaken at this pre-determination stage, as there is a risk that significant finds will be identified which require preservation in situ, and thus require revisions to the layout of the site which would have both financial and time costs, if the developer is happy to recognise and accept this risk, we would not advise refusal of planning permission if the required archaeological assessment is not undertaken prior to the determination of this application.
- Should the Local Planning Authority be minded to grant planning permission without a requirement for up front archaeological investigation, we would advise that in accordance with the *National Planning Policy Framework* (Paragraph 141), any permission granted should be the subject of planning conditions to record and advance understanding of the significance of any heritage assets before they are damaged or destroyed.
- In this case the requirement for two site investigation conditions would be appropriate.

## **13. Ramblers Association**

- PF No. 6 crosses the development diagonally from NE corner to SW corner
- Footpath links with The Street with the footpath on Hall Road leading towards Redgrave and is therefore a very important route for the village
- Recommend that the widening and improvement of FP6 is made a condition of the planning application. No objection subject to this requirement.

## **14. Suffolk Constabulary**

- Development should adhere to Secure By Design standards and security principles stated in Design and Access Statement.
- Insufficient information to either approve or object but some concerns over any proposed rear parking, the amount of envisaged vegetation and the design of the central footpath.

## **15. Essex Place Services (Landscape)**

- Proposal would have an impact upon the surrounding landscape due to the existing open character of the site
- Openness of the northern and eastern boundaries will require mitigation

- Opportunities to create small woodland parcels within the development area and hedgerow planting along site boundaries, existing hedge and tree planting should be strengthened with new planting
- An appropriately detailed landscape and boundary plan will be required to support the application to limit any negative visual effect the proposal may have on the existing settlement

## **16. SCC Flood and Water Management**

- recommend approval of this application subject to conditions relating to surface water drainage based on the submitted documents relating to site drainage and infiltration in order to prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development.

## **17. Professional Lead – Housing Enabling**

- No objections
- Up to 35% affordable housing should be provided as part of this application which equates to 14 dwellings.
- Of the 14, 9 should be for affordable rent and 5 should be for low costs shared ownership as detailed below:

### Rented = 9 dwellings: -

- 4 x 1-bedroom 2-person flat @ 50 square metres
- 1 x 2 bedroom 3 person bungalow @ 61 sqm
- 3 x 2-bedroom 4-person houses at 79 square metres
- 1 x 3 bed 5 person houses @ 93 sqm

### Shared ownership = 5 dwellings: -

- 4 x 2 bed 4 person houses @ 79 sqm
- 1 x 3 bed 5 person house @ 93 sqm
- The above mix is requested and to be included in the S106 agreement.

## **18. Representations**

Four neighbouring residents have made the following representations (4 objecting, 1 supporting):

- Concern about impact upon the already overburdened Health Centre in Botesdale
- Access junction is on to a quick and dangerous road, survey was done at a time to show that the junction is safe, but there have been several small collisions in recent years.
- Number of houses is too many, site was expected to have 20 not 40
- Footpath is used as a country walk, will be upgraded to an access path with new road cut through it
- Other sites in the village are more suitable for development
- Proposal doesn't help with parking issues at the school and doctors surgery
- Concern about increase in traffic along Back Hills which is a narrow road, will be dangerous to pedestrians and children
- Development will be detrimental to special character and fabric of this beautiful

- country village
- Residents like Botesdale because it is not developed and not suffering from estates and development
- More housing is need in Suffolk but are better suited to more urban areas which have a supportive infrastructure
- Adjacent residents would suffer drastic reduction in quality of open views over countryside
- Development will result in devaluation of properties
- The site is suitable for development, was included in request for sites two years ago
- Access onto Hall Lane would benefit from extension of speed restriction zone beyond Back Hills
- Community would benefit from this comparatively small development
- Review of applicant's projects locally provides evidence of quality and sensitivity to local needs
- Proposal for community open space including woodland for school use would be of community benefit

## **19. The Site and Surroundings**

The proposal site comprises approximately 3.09 hectares of agricultural land on the north-eastern edge of Botesdale village, adjoining the Conservation Area on the west side. The site is bounded by residential development to the southern boundary, a primary school to the west, and open countryside to the north and east. The proposal site is located within The Countryside but is positioned adjacent to the Housing Settlement Boundary of Botesdale village. The B1113 (Hall Lane) runs along the eastern boundary. Across Hall Lane, lies Redgrave Park, a landscaped park designed by Lancelot 'Capability' Brown. The Countryside to the north of the site is designated as Special Landscape Area which extends to include Redgrave Park to the east.

The site is subject to a change in levels, with an incline from the south-west towards the north-east. A Public Footpath crosses the site diagonally from The Street to Hall Lane in the north-east corner. There is a block of established woodland along the western boundary of the site, with established hedging along the site boundaries.

## **20. The Proposal**

This application seeks Outline planning permission for the erection of up to 40 dwellings with all matters other than means of access reserved for subsequent approval. The application proposes associated improvements to public footpaths, creation of public open space and provision of an area of woodland for use by the adjacent primary school. Matters of appearance, landscaping, layout, and scale remain reserved.

The application is supported by the following documents:

- Flood Risk Assessment & Drainage Strategy
- Specification of vehicular access
- Indicative layout plan
- Land Contamination Assessment
- Highways Statement
- Archaeological and Historical Environment Assessment
- Landscape Statement & Strategy

- Planning Statement
- Ecological Scoping Survey

## 21. Policy Issues

### **22. National Planning Policy Framework (NPPF)**

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
- Paras 11 – 15: The presumption in favour of sustainable development
- Para 17: Core planning principles
- Paras 32 and 34: Transport movements
- Para 47: Delivering a wide choice of high quality homes (including the need to have a 5 year deliverable supply of housing)
- 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.
- Paras 56 & 60: Requiring good design
- Para 64: Development of poor design must not be supported.
- Para 69: Promoting healthy communities
- Para 70: Delivery of social, recreational and cultural facilities that the community needs.
- Para 72: Provision of school places.
- 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.
- Paras 112 & 117–119: Development affecting protected wildlife
- Para 123: Planning and noise.
- Para 125: Planning and darker skies.
- Paras 128 & 129: Describing the significance of a designated heritage asset.
- Para 131: Determining planning applications that affect heritage assets.
- Para 132: Significance of heritage assets.
- Para 134: Development and less than substantial harm
- Para 186: Approaching decision taking in a positive way.
- Para 187: Local Planning Authorities should find solutions rather than problems in decision taking.
- Para 196: Plan led planning system.
- Para 197: Assessing and determining application applying the presumption in favour of sustainable development.
- Paras 203 -206 – Planning conditions and obligations.
- Paras 211 - 212: Using development plans and the NPPF in decision making.
- Paras 214 – 215: The weight attached to development plan policies having



- regards to their consistency with the NPPF.
- Para 216 – Weight given to policies in emerging plans
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### **23. Core Strategy**

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

### **24. Saved Policies in the Local Plan**

Summary of saved policies in the Mid Suffolk Local Plan 1998:

- Policy GP1: Design and layout of new developments
- 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

### **25. Neighbourhood Plan**

- Botesdale and Rickingham 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.

### **26. Main Considerations**

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.

## **27. Housing Land Supply**

The National Planning Policy Framework (NPPF) requires Councils to identify and update, on an annual basis, a supply of specific deliverable sites sufficient to provide for five years' worth of housing provision against identified requirements (paragraph 47). For sites to be considered deliverable they must be available, suitable, achievable and viable.

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 (as stated in paragraph 49 of the NPPF). Where policies cannot be considered up-to-date, the NPPF (paragraph 14) cites the presumption in favour of sustainable development and states that planning permission should be granted unless i) any 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 ii) specific policies in the NPPF indicate development should be restricted. The presumption in paragraph 14 also applies where a proposal is in accordance with the development plan, where it should be granted permission without delay (unless material considerations indicate otherwise).

The precise meaning of 'relevant policies for the supply of housing' has been the subject of much case law, with inconsistent results. However, in May 2017 the Supreme Court gave judgment in a case involving Suffolk Coastal District Council which has clarified the position. The Supreme Court overruled earlier decisions of the High Court and the Court of appeal in this and other cases, ruling that a "narrow" interpretation of this expression is correct; i.e. it means policies identifying the numbers and location of housing, rather than the "wider" definition which adds policies which have the indirect effect of inhibiting the supply of housing, for example, countryside protection policies. However, the Supreme Court made it clear that the argument over the meaning of this expression is not the real issue. The absence of a five year housing land supply triggers the application of paragraph 14 of the NPPF.

In accordance with National Planning Policy Guidance paragraph 030 (Reference ID: 3-030-20140306) the starting point for calculating the 5 year land supply should be the housing requirement figures in up-to-date adopted Local Plans. It goes on to state that *'...considerable weight should be given to the housing requirement figures in adopted Local Plans, which have successfully passed through the examination process, unless significant new evidence comes to light....Where evidence in Local Plans has become outdated and policies in emerging plans are not yet capable of carrying sufficient weight, information provided in the latest full assessment of housing needs should be considered. But the weight given to these assessments should take account of the fact they have not been tested or moderated against relevant constraints...'*

The Council adopted the Core Strategy in Feb 2014 having been tested and examined as a post-NPPF development plan. The Council published the Ipswich and Waveney Housing Market Areas Strategic Housing Market Assessment (SHMA) in May 2017 which is important new evidence for the emerging Babergh and Mid Suffolk Joint Local Plan. Therefore, the 5 year land supply has been calculated for both the adopted Core Strategy based figures and the new SHMA based figures. For determining relevant planning applications, it will be for the decision taker to consider appropriate weight to be given to these assessments and the

relevant policies of the development plan.

A summary of the MSDC 5 year land supply position is:

- Core Strategy based supply for 2017 to 2022 = 3.9 years
- SHMA based supply for 2017 to 2022 = 4.0 years

The NPPF requires that development be sustainable and that adverse impacts do not outweigh the benefits to be acceptable in principle. 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."*

In light of all of the above, this report will consider the proposal against the three strands of sustainable development, and also give due consideration to the provisions and weight of the policies within the development plan, in the context of the authority not being able to demonstrate a 5 year land supply.

## **28. Principle of Development**

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.

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

Policy H7 of the Local Plan seeks to restrict housing development in The Countryside in the interests of protecting its existing character and appearance.

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 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 40 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.

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.

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.

In this case, despite its location within the countryside, the proposal to develop a scheme of up to 40 dwellings outside of the settlement boundary of a Key Service Centre, is acceptable in principle, as detailed below.

## **29. Sustainability Assessment Of Proposal**

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**

The provision of up to 40 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*

The development would provide a significant benefit in helping to meet the current housing shortfall in the district through the delivery of up to 40 additional dwellings, including 35% affordable housing provision.

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

## Environmental

### *Services and Facilities*

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.

The site is located in the Countryside; however, given that the site abuts the Botesdale/Rickinghall settlement boundary, the site is closely related to the settlement geographically and would be dependent upon Botesdale/Rickinghall for services and facilities. These services include a primary school, health centre, a small supermarket, two pubs, two hot food takeaways and a hairdresser.

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.

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 10 km from the application 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. There is an existing bus stop at the junction of Hall Lane and Bury Road approximately 100m from the site. Two additional bus stops are available along The Street. The proposal includes the upgrading of the existing public footpath which crosses the site, with the widening of the section which links with The Street, to enhance pedestrian links with services within Botesdale/Rickinghall, including the bus stops.

Given the above, it is considered that the proposal is sufficiently well 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.

## **30. Design and Impact on Character and Appearance of the Area**

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

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.

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.

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.

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.

The application site comprises a parcel of agricultural land at the north-eastern edge of Botesdale. The topography of the site gently slopes towards the north eastern corner. The Landscape consultant acknowledges that the introduction of residential development to an otherwise undeveloped parcel of agricultural land results in an impact on the existing open landscape which could be considered harmful. However, it is considered that the site contribution to the wider countryside limited by it's containment by neighbouring residential development and the local highway network, mitigating the impact of the development. It is recommended that a detailed landscape and boundary plan is prepared to support a detailed scheme to mitigate against any negative visual effect. As such, the environmental harm arising from the development is not considered to be significant.

Existing residential development along the southern side of the site is generally detached properties on good sized plots with long gardens adjoin the application site. The application is supported by an indicative layout plan which indicates a mix of detached, semi-detached and terraced housing. 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.

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

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.

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.

Policies T10 and T9 are not considered to be a housing supply policies and are not therefore considered to be out of date.

The application is proposing the provision to a vehicular access onto Hall Land along the eastern boundary of the site. A detailed plan indicating the standard of access and visibility splays has been submitted in accordance with the requirements of the Local Highway Authority who raise no objection to the access details subject to conditions. including details of the provision of improvement to the footpath link. Officers thereby consider the proposal to be acceptable in this regard.

### **32. Residential Amenity**

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

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.

Policy H16 of the Local Plan seeks to protect the existing amenity of residential areas.

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.

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.

### **33. Heritage and Archaeology**

The site lies on the edge of Botesdale, adjoining the Conservation Area on the west side. On the east side, across Hall Lane, lies Redgrave Park, a landscaped park designed by Lancelot 'Capability' Brown. The park contains listed structures, but is not designated as a registered park. The Special Landscape Area which adjoins the site to the north extends to include Redgrave Park to the east. The Heritage Officer is of the opinion that

The Conservation Area at Botesdale includes areas beyond the historic core of the village. The application site makes no particular contribution to the character or setting of the Conservation Area and is therefore omitted from that designation, and similarly from the Special Landscape Area. For similar reasons, the present proposal is not considered to have particular impact on the character, appearance or setting of the Conservation Area.

Redgrave Park touches the edge of both Redgrave and Botesdale settlements, but otherwise continues to enjoy a rural setting. The introduction of housing across a road from the park would have potential to erode this. The adjacent part of Redgrave Park has a reasonable screen of trees defining its limit; historic maps suggest there was a much deeper belt of trees in the park at this point. This sense of enclosure in the park, and separation from the settlement can be achieved by including a green buffer within the site along Hall Lane, as shown in the illustrative plan.

The SCC Archaeological Service have identified that the site lies in an area of archaeological potential, overlooking a watercourse in a location which is topographically favourable for early occupation of all periods. Prehistoric and medieval finds have been discovered immediately to the west of the proposed development area, with Roman and

Saxon finds further west. There has never been a systematic archaeological investigation of the site, and given that the proposed development would cause significant ground disturbance that has potential to damage or destroy any below ground heritage assets that exist. They have advised that it is preferable for the developer to undertake an archaeological evaluation prior to the application being determined. However they have recognised that the standard investigation conditions prior to development would be appropriate and the details of the layout of the site would be adjusted if any significant archaeological remains are discovered.

In summary there is potential for the outline proposal to be achieved without material harm to heritage assets, but until all the matters are submitted it is not possible to express support

### **34. Public Right of Way**

Paragraph 75 of the NPPF seeks to protect and enhance public rights of way and access. Public Footpath 6 crosses the site and it is proposed to improve the path by widen the section where it links to The Street. 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. Widening of the footpath between Nurses House and The Limes involve 1 metre of land which is in the ownership of the applicant.

### **35. Flood Risk**

The site is located in Flood Zone 1 where there is no identified risk of fluvial flooding from watercourses. There is an identified low to medium risk of surface water flooding from an extreme rainfall event through the centre of the site. An attenuation pond in proposed and ground conditions have been assessed for infiltration. On the basis of the submitted survey data the SCC Flood and Water Management officer has raised no objection to the proposal subject to the application of conditions requiring the submission of a comprehensive surface water drainage strategy.

### **36. Affordable Housing**

Altered Policy H4 of the Local Plan seeks an affordable housing provision of 35% of total units. The application proposes affordable housing provision at 35% as to accord with the Policy. The Housing Enabling Officer has raised no objection to the proposal. The 35% affordable housing equates to 14 dwellings and recommends that of the 14, 9 should be for affordable rent and 5 should be for low costs shared ownership, with a mix which has been agreed by the applicant to be secured through a Section 106 legal agreement.

### **37. Public Open Space**

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.

An area of woodland on the western side of the site in the ownership of the applicant is to be divided into three areas. Areas 1 & 2 are proposed to be gifted to the adjacent Botesdale and Rickinghall Pre-School for use as a Forest School initiative for as long as they are using the adjacent school building. Additionally, Area 3 of the woodland would be offered for use to



the Botesdale and Rickinghall Community Woodlands as a wildlife wood, for as long as the group exists. It is intended that all three areas of woodland would be transferred to Botesdale Parish Council as a village asset subject to the specified conditions of future use. The applicant has discussed the transfer of the land to the Parish Council, there has been no formal acceptance but it has been indicated that they would want to own the asset in order to protect it.

### **38. CIL and S.106 Planning Obligations**

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.

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.

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

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.

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 - £168,299
- Libraries - £8,640 (£216.00 per dwelling)

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.

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.

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.

The Section 106 Planning Obligation would seek to include the following:

- the widening of the footpath between Nurses House and The Limes
- the gifting of three areas of woodland to the Botesdale and Rickinghall Pre-school and the Botesdale and Rickinghall Community Woodlands group.
- the provision of 35% affordable housing with a mix as follows:

Rented = 9 dwellings: -

- 4 x 1-bedroom 2-person flat @ 50 square metres
- 1 x 2 bedroom 3 person bungalow @ 61 sqm
- 3 x 2-bedroom 4-person houses at 79 square metres
- 1 x 3 bed 5 person houses @ 93 sqm

Shared ownership = 5 dwellings: -

- 4 x 2 bed 4 person houses @ 79 sqm
- 1 x 3 bed 5 person house @ 93 sqm

## **PART FOUR – CONCLUSION**

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### **39. Planning Balance**

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 dwellings would, under normal circumstances, be contrary to the adopted development plan.

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.

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.

The application is therefore recommended for approval.

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

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 case the planning authority has liaised with the applicant to ensure that any issues arising from consultation response are resolved.

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

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 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
  - The widening of the public footpath between Nurses House and The Limes
  - Gifting of three identified areas of woodland for use by Botesdale and Rickinghall Pre-school (Areas 1 & 2), and Area 3 to be offered for use to the Botesdale and Rickinghall Community Woodlands as a wildlife woodland
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 40 no. dwellings
  - Details of external facing and materials details
  - 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
  - External lighting details
  - Fire hydrant provision details
  - Details of ecology enhancement measures
  - Development to be completed in accordance with ecology details
  - Hard landscaping scheme (including boundary treatments and screen/fencing details)
  - Soft landscaping scheme (including identification of existing trees and planting and tree protection measures)
  - Details of the estate roads and footpaths
  - Provision of visibility splays in accordance with submitted plan
  - Construction of carriageways and footways prior to occupation
  - Parking, maneuvering, and cycle storage details
  - Details of a construction management plan
  - Details of the areas to be provided for storage of refuse/recycling
3. That, in the event of the Planning Obligation referred to in Resolution (1) above not being secured the Planning Lead - 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.