

Committee Report

Item No: 2

Reference: 0030/17

Case Officer: Ian Ward

Ward: Debenham.

Ward Member/s: Cllr Kathie Guthrie.

Description of Development

Use of land for the erection of up to 25 Dwellings. Formation of Vehicular Access to Little London Hill (revised proposal).

Location

Land Bounded By Derry Brook Lane And Little London Hill, Debenham.

Parish: Debenham

Site Area: 1.72 Ha.

Conservation Area: No

Listed Building: No

Received: 03/01/2017

Expiry Date: 05/04/2017

Application Type: OUT - Outline Planning Application

Development Type: Major Small Scale - Dwellings

Environmental Impact Assessment: Environmental Assessment Not Required

Applicant: Park Properties (Anglia) Ltd.

Agent: East Coast Planning Services Ltd.

DOCUMENTS SUBMITTED FOR CONSIDERATION

This decision refers to Site Location Plan – received 03 January 2017 as the defined red line plan with the site shown edged red. Any other drawing showing land edged red whether as part of another document or as a separate plan/drawing has not been accepted or treated as the defined application site for the purposes of this decision.

The plans and documents recorded below are those upon which this decision has been reached:

Proposed Site Layout Revision F – received 02 May 2017, Flood Risk Assessment and Drainage Strategy Ref. E - received 05 May 2017.

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

PART ONE – REASON FOR REFERENCE TO COMMITTEE

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

It is a “Major” application for:

- More than 15 dwellings

PART TWO – APPLICATION BACKGROUND

History

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:

None relevant.

All Policies Identified As Relevant

The proposal has been assessed with regard to adopted development plan policies, the National Planning Policy Framework and all other material considerations. Highlighted local and national policies are listed below. Detailed assessment of policies in relation to the recommendation and issues highlighted in this case will be carried out within the assessment:

Summary of Policies

NPPF - National Planning Policy Framework
CS01 - Settlement Hierarchy
CS02 - Development in the Countryside & Countryside Villages
CS04 - Adapting to Climate Change
CS05 - Mid Suffolk's Environment
CS06 - Services and Infrastructure
FC01 - Presumption In Favour Of Sustainable Development
FC01_1 - Mid Suffolk Approach To Delivering Sustainable Development
FC02 - Provision And Distribution Of Housing
CL08 - Protecting wildlife habitats
H04- Altered Policy H4
H07 - Restricting housing development unrelated to needs of countryside
T09 - Parking Standards
T10 - Highway Considerations in Development

List of other relevant legislation

- Human Rights Act 1998
- 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.

Details of Previous Committee / Resolutions and any member site visit

N/A

Details of any Pre Application Advice

Pre-application advice has been given that residential development could be supported

Consultations and Representations

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

A: Summary of Consultations

Environmental Health - Land Contamination

No objection

Strategic Housing (Affordable/Major Dwel/G+T)

Preferred mix for Affordable Housing

The most recent information from the Mid Suffolk's Council's Housing Register shows 16 applicants registered who have a connection to Debenham.

4.2 9 of the proposed dwellings on the development would be for affordable housing and are indicated by the addition of a red dot on the layout plan to show their location.

These have been offered the form of: -

Rented: -

- o 2 x 1-bedroom 2-person flats at 51 square metres - as required
- o 4 x 2-bedroom 4-person houses at 72.9 square metres - the units shown should be 79 sqm to comply with Housing Technical space standards 2015
- o 1 x 3 bed 5-person houses @ 89.1 sqm - the Technical Housing standards 2015 states that this size dwelling should be 93 sqm.

Shared Ownership: -

- o 1 x 2 bed 4-person houses @ 72.9 sqm - Should be 79 sqm to comply with Housing Technical space standards 2015
- o 2 x 3 bed 5-person houses @ 89.1 sqm - should be 93 sqm as above.

The above mix is requested at the space standards I have included to be incorporated in the S106 agreement.

Debenham Parish Clerk

Debenham Parish Council object to the proposal for the following reasons (summarised):-

- o Access off Little London Hill is unsuitable. HGVs cause congestion and the site is in close proximity to the school (which also houses the public library). There are already six new properties at the junction (with Derry Brook Lane). There is no footway on Little London Hill. The proposed development will exacerbate these problems.
- o There are other sites in the village better suited to a development of this size.
- o The village's infrastructure is not able to cope with further development.
- o This is a flood risk area and the development will exacerbate flooding and drainage problems.
- o The developer offers no solution to the threats to wildlife.

Natural England

Raise no objection

SCC - Corporate S106 And Education

SCC Infrastructure/Development Contributions Manager has set out the financial contributions which will form the basis of a future bid for CIL funds The amounts to be sought are:-

- o Education (secondary) £130,037
- o Pre-School provision £18,273
- o Libraries £7,344

They also suggest composting bins to be secured by condition.

SCC - Fire & Rescue

Have submitted advisory notes re- water supply and hydrants. These are also copied to the applicant's agent.

SCC - Flood & Coastal Policy Manager

SCC Flooding and Land Drainage have reviewed the applicant's revised Flood Risk Assessment and Drainage Strategy and appendices (submitted on 05/05/2017). They recommend approval with conditions requiring further modelling and details of surface water management to be submitted with the first reserved matters and prior to occupation.

SCC - Archaeological Service

Require a standard two stage condition (written scheme of investigation and post investigation assessment). They also point out that there was a World War 2 operations base on the site and require that, prior to the grant of permission, a strategy for the assessment and management of any remains is submitted for approval.

SCC - Highways

Require conditions to cover the following:-

- o Restriction on the gradient of the access road
 - o Widening of Little London Hill and provision of footway across site frontage prior to occupation
 - o Details of estate roads to be approved prior to commencement
 - o No dwellings to be occupied until carriageways and footways serving them are completed to at least base course
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- o Vehicular access to be from Little London Hill only
- o Visibility splays of 2.4m. x 43m. to be provided and thereafter retained at access point

They also suggest informatives covering works in the highway, construction and adoption of estate roads and effect on existing street lighting.

Suffolk Wildlife Trust

Initially recommended refusal due to lack of information on mitigation measures for protected species. However, after further consideration they recommend a condition to cover their outstanding concerns.

B: Representations

A total of 16 representations have been received in response to the revised proposal for up to 25 dwellings received on 02 May. The main points made are (summarised):-

- o Little London Hill is not adequate to serve any more development.
- o There is already traffic congestion in the area and this proposal will exacerbate problems. The proximity of the school makes things even more dangerous.
- o Will put unacceptable pressure on existing facilities and infrastructure. School is already at capacity.
- o New development will add to flooding/surface water drainage problems.
- o Residential development will be out of character and have an adverse impact on the landscape and open space.
- o More traffic will mean an increase in pollution.
- o Other sites in village more suited to development of this scale

Members should be aware that some 24 representations were submitted in response to the original proposal for up to 34 dwellings - many of these have been re-submitted in response to the revision. The points made are generally the same as those summarised above.

PART THREE – ASSESSMENT OF APPLICATION

1. 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.

Site and Surroundings

2. This application concerns an area of land extending to some 1.72 Ha on the north-western edge of Debenham village. The site is outside, but abutting, the defined settlement boundary and outside the designated Conservation Area.
3. The land falls gently towards the River Deben which runs along its southern boundary. There are established hedgerows around the site and a triangular portion at its northern end is quite densely planted. Vehicular access is taken from Little London Hill with a footbridge crossing the Deben giving access from Derry Brook Lane.

4. The site is described as being in agricultural use and appears to be being used as a low-key smallholding. There are several single storey sheds.
5. Outline planning permission for up to 25 dwellings with vehicular access from Little London Hill is now sought (a reduction from the 34 of the original proposal). A layout plan has been provided for illustrative purposes only.

Principle of Development

6. As noted above, the application site is outside the settlement boundary for Debenham as defined in the adopted Local Plan. Ordinarily then the site would not be considered appropriate in principle for residential development.
7. However, as members are aware, Mid Suffolk cannot currently demonstrate a deliverable five year supply of housing land. In such circumstances, paragraph 49 of the National Planning Policy Framework (NPPF) states that a local planning authority's policies for the supply of housing land 'should not be considered up to date'. With this in mind, officers have given further consideration to sites which, whilst technically contrary to adopted policy, might otherwise be considered 'well located' for access to local services and facilities and could therefore be considered 'sustainable'. This site, abutting the settlement boundary for Debenham, which offers a good range of facilities and is designated a 'Key Service Centre' in the adopted Core Strategy, falls into that category. Development can therefore be considered acceptable in principle, subject to all other technical requirements being met.
8. From the consultation responses set out above, it is clear that most outstanding technical requirements can be satisfactorily addressed by conditions. However, it can be seen from neighbour and third party responses that there is particular concern over perceived flood risk and highway issues. These are discussed below in more detail.

Flood Risk

9. The site falls towards the River Deben, close to its source. The lower (southern) parts of the site lie within Flood Zones 2 and 3 and localised flooding is common. It is therefore essential to ensure that the development itself does not exacerbate the problem, either through displacement or through surface water falling on the site not being dealt with in a satisfactory manner.
10. The applicant submitted a revised Flood Risk Assessment and Drainage Strategy (FRA) on 05 May. As noted above, on the basis of the revised information Suffolk County Council's Flood and Water Management Team are content that permission with conditions can be granted.
11. In arriving at this view, the SCC Floods Team have considered the indicative layout plan and in conjunction with the FRA and are now satisfied that, for a scheme of up to 25 dwellings, adequate attenuation can be provided outside of Flood Zone 3. In this particular case it is considered that the attenuation areas should be below ground in order to optimise open space provision.
12. On a wider general point, Members should be aware that attenuation areas do give a degree of control over water collection and disposal which may not be there when the land is left in an undeveloped state, allowing as they do surface water to be retained in holding ponds or tanks and dispersed into the watercourse when capacity allows rather than in an uncontrolled manner. It is understood that a permit from the Environment Agency may be required to discharge the surface water into the Deben.

Highway Matters

13. It is clear from the consultation responses (above) that the highway authority consider the proposal can be made acceptable with the imposition of several fairly standard conditions. The complicating

factor in this particular case is the requirement for the widening of Little London Hill and the provision of a footway across the site frontage.

14. These details have been agreed with the highway authority at pre-application stage and are shown on the submitted illustrative drawing. However, the ownership of a small area of the site fronting Little London Hill and which will need to become part of the highway in order to comply with the proposed condition is not known. For this reason the applicant has had to serve a 'Certificate C' (requiring a press advert) in respect of this land.
15. The highway authority were initially content to deal with all of their requirements via planning condition as it was thought that only highway or the applicant's land was involved. That is still the case if the owner of the land in question comes forward and is prepared to dedicate the land as highway. However, if that is not the case (which seems likely) and a third party is involved then an additional clause may be required on the S106 Agreement securing the completion of the road widening and footway prior to first occupation.
16. Whilst this lack of clarity on ownership need not preclude a grant of permission, it may introduce complications for its implementation. Members are advised that this uncertainty over the most appropriate mechanism for securing the highway works is the reason the recommendation is framed as it is.

Clarification of Other Matters Arising from the Consultation Responses

Biodiversity

17. A condition will be imposed as noted above requiring additional mitigation measures to be submitted and agreed no later than concurrently with the first reserved matters.

Archaeology

18. A standard two stage condition (written scheme of investigation and post investigation assessment) is requested and will be imposed. However, it is not considered reasonable to require an assessment and management plan for any World War 2 remains prior to determination as it is not clear why these won't be assessed as part of the two-stage process secured by the condition.

Affordable Housing

19. Affordable housing has been offered at 35% by the applicant. This is in accordance with saved Policy H4 of the adopted Local Plan and comprises 9 units. A schedule of accommodation has been prepared in dialogue with the Council's Housing Enabling team and will be made up as reported in 'Consultations' above. The affordable housing will be secured via Section 106 Agreement.

Construction Management

20. Given the constrained nature of Little London Hill in its present form a condition requiring construction management details is considered necessary.

PART FOUR – CONCLUSION

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

21. 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.
22. In this case the planning authority has worked with the applicant to overcome ecology objections, drainage, and highways issues.

Identification of any Legal Implications and/or Equality Implications (The Equalities Act 2012)

23. There are no known legal implications derived from the determination of this application.
24. The application has been considered in respect of the current development plan policies and relevant planning legislation. Other legislation, including that listed earlier in this report, has also been

Planning Balance

25. As noted above, the site lies just outside the defined settlement boundary for Debenham. However, the village is designated a 'Key Service Centre' and given the Council's situation regarding a deliverable supply of housing the site can be considered 'well located' for access to services and facilities..
26. The site thus forms a logical extension to the village and is considered acceptable in principle for residential use. It will provide will provide much needed housing, including affordable units in accordance with adopted policy. The application will also be liable for financial contributions towards infrastructure and facilities through the CIL.
27. The site is well contained by boundary planting which the illustrative layout suggests can be retained and consolidated as part of the reserved matters - the effect on the landscape and wider setting of the village would therefore be minor
28. With the exception (as is usual) of affordable housing and (possibly in this case) the highway improvements, which will need to be delivered via a S106 Agreement, the specialist consultees consider that all technical and operational requirements, and in particular those relating to highways and flood risk/drainage, can be addressed through appropriate conditions.
29. Permission is therefore recommended, subject to the satisfactory completion of a S106 Agreement securing the delivery of affordable housing and (if necessary) the highway improvements required by SCC Highways and subject to appropriate conditions to cover outstanding matters.

RECOMMENDATION

That authority be delegated to Corporate Manager - Growth & Sustainable Planning to grant outline planning permission for up to 25 dwellings with access from Little London Hill, subject to the prior completion of a Section 106 or Undertaking on terms to their satisfaction to secure the following heads of terms:-

- Affordable housing (9 units in accordance with consultation response)
- (if necessary depending on ownership issues) Highway improvements and access details to Little London Hill prior to first occupation

and that such permission be subject to the conditions covering the matters set out below:-

- Time limit for reserved matters
- Scale, layout, design, landscaping and final details of access point all to be approved as reserved matters
- Construction management details prior to commencement
- Land drainage as consultation response
- All surface water attenuation areas to be sited below ground
- Highways as consultation response
- Archaeology (two stage) as consultation response
- Protected species mitigation as augmented consultation response