

Committee Report

Committee Date: 6 September 2017

Item No: 3

Reference: 4489/16

Case Officer: John Pateman-Gee

Description of Development: Outline Planning Permission with all matters reserved, except for Access, for the erection of up to 79 dwellings.

Location: Land north of Old Stowmarket Road, Woolpit

Parish: Woolpit

Ward: Woolpit

Ward Member/s: Cllr Jane Storey

Site Area: 4.9ha

Conservation Area: Site is not within the Conservation Area

Listed Building: Setting of Listed Buildings and Scheduled Ancient Monument

Received: 03/11/2016

Expiry Date: 30/09/2017

Application Type: Full

Development Type: Major Dwellings

Environmental Impact Assessment: Not required

Applicant: New Hall Properties (Eastern) Ltd

Agent: None

DOCUMENTS SUBMITTED FOR CONSIDERATION

LISTING OF APPROVED PLANS & DOCUMENTS

Defined Red Line Plan:

The defined Red Line Plan for this application is drawing number 1635 101 received on the 3rd November 2016.

Approved Plans and Documents:

Application form received on 3rd November 2017

Proposed site plan reference number 1635 200 Rev B received on 3rd November 2017.

Site access plan reference number 1687-02 Rev A received on 3rd November 2017.

Overview sketch plan which is unnumbered and received on the 3rd November 2017.

Archaeological Survey received on 3rd November 2017.

Ecological report (Newts) received on 3rd November 2017

Ecological report (Bats) received on 3rd November 2017

Noise Survey received on 3rd November 2017

Transport Statement received on 3rd November 2017
Design and Access Statement received on 3rd November 2017
Heritage Statement received on 3rd November 2017
Planning Statement received on 3rd November 2017
Flood Risk & Drainage Statement received on 3rd November 2017
Habitat Survey received on 3rd November 2017

The application, plans and documents submitted by the applicant can be viewed online. 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:

- it is a “Major” application for a residential land allocation for 15 dwellings or over;

PART TWO – APPLICATION BACKGROUND

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

History

1. There is no planning history relevant to the application site that is an agricultural field.

Details of Previous Committee / Resolutions

2. None

Details of Member site visit

3. Members visited the site on the 13th August to familiarise themselves with the site and the surroundings.

Details of any Pre Application Advice

4. Pre application advice has been given in respect of this application. Special consideration has been given to the setting of the Schedules Ancient Monument (SAM) and the dwelling numbers have been reduced to account for this and to provide significant open space areas (part of which is subject of a separate planning application).

PART THREE – ASSESSMENT OF APPLICATION

Consultations

5. Woolpit Parish Council

They object to the proposal for the following reasons:

1. Bearing in mind the proximity to Lady's Well, a Scheduled Monument, a full archaeological survey and assessment, rather than a desk-top, is necessary before any planning permission is granted.
2. Para 4.13 of the applicant's Transport Statement says that each property shall have two cycle storage spaces per dwelling. However, no provision has been made for cyclists within and outside of the site.
3. It is unacceptable to assume that the crossroad junction and other improvements proposed for the Old Stowmarket Road South development (1636/16) have been completed before development work for this current application takes place. This application should contain its own proposals for road, footpath and cycle track improvements.
4. Provision should be made for a revised junction at the crossroads suitable for the combined Old Stowmarket Road North and South developments possibly using land which is part this application.
5. Traffic data appears to be flawed as does not include the addition traffic using the new car park at the rear of the Health Centre generated by vehicles for the school and Heath Centre itself.
6. A commitment to carry out external road improvements before site work commences should be provided.
7. The application should not be considered in isolation but as one of several at the application or pre-application stage which together could add some 700 homes to the existing 900 in Woolpit.
8. The noise survey is flawed. Only continuous noise levels have been measured with no record of the levels resulting from 'single sound' events. Goldstar Transport, the operator of the adjacent lorry park and container storage depot has a record of problems resulting from 'single sound' events, particularly at night, when containers are being moved. Further measurement and a more comprehensive report is necessary. Reference must be made and consideration given to the numerous complaints that have been made by residents to MSDC Environmental Health over several years up to the present time about noise emanating from Goldstar Transport.
9. There has been no public exhibition or community engagement for either application. This is particularly disappointing considering the importance of the site at the entrance to the village and its proximity to a Scheduled Monument. The public's views should be sought before the applications are considered.
10. There is significant light pollution emanating from the Goldstar Transport site. A report on the effect of this on the proposed development should be provided before the application is determined.
11. The application should include a minimum of 35% affordable homes.
12. All brownfield sites within the district should be utilised for development before any further agricultural land is taken for development.
13. The applicant in reports refers to Woolpit being a small town with large scale industrial sites in Old Stowmarket Road. This is absolutely not the case. Woolpit is a medium sized medieval village with great character and with many significant Listed Buildings. Old Stowmarket Road, particularly in the area of the application near Lady's Well, is still semi-rural in nature and not dominated by industry.

SSC Footpaths

No objections

MSDC - Environmental Health - Land Contamination

They have no objections to the proposed development.

MSDC – Environmental Health

Seeks information on renewal energy and efficiently considerations to be explored further (See assessment for comment).

MSDC – Environmental Health Noise

Concerns with regard to the potential noise from adjacent industrial uses.

SCC – Archaeological Service

Due to lack of any previous survey on this site and given surrounding historic interests, recommends extensive archaeological works prior to determination of application. (See assessment for comment)

Anglian Water

No objections

Natural England

No comments to make.

Suffolk Wildlife Trust

Have read the ecological survey report (T4 Ecology Ltd, April 2016), bat report (Robson Ecology, September 2016) and Great Crested Newt eDNA survey report (T4 Ecology Ltd, August 2016) and we are satisfied with the findings of the consultants. Recommend all recommendations in report are secured via condition.

MSDC - Tree Officer

No objection to this proposal as the site involved does not contain any trees. However, trees are situated along some of the site boundaries and these will be important to help soften and integrate any development within the local landscape. The site layout plan indicates they should not be adversely affected by the proposal although ground protection and protective fencing might be necessary in some areas

MSDC Heritage Officer

Objects to the scheme on the grounds that he supports the comments made by Historic England. He considers that the density of the scheme is too high and there is a need to increase open space around the houses to ensure that the historical setting of the Ancient Monument which lies nearby is maintained. To resolve this situation, he has requested a redesign of the layout of the site.

Historic England (Summary)

The Heritage Statement has provided a detailed assessment of the significance of the designated heritage assets affected by the proposed development, including a good consideration setting and the contribution it makes to the significance of these assets. This has taken on board the comments made by Historic England at the pre-application stage in regards to the setting of the scheduled monument, the character of the conservation area and the views of the church spire. Welcomes changes since pre application enquiry, but still wishes to see lower density. Considers the development to cause harm of moderate to high in respect of the Schedules Ancient Monument, does not set aside principle of housing development and instead would like more detail and understanding.

Fire Service - County Fire Officer

Recommends that fire hydrants should be secured by condition.

NHS/Primary Care Trust (Summary)

No objection to the scheme. They are to seek a contribution towards health care provision via CIL and at this stage, they are unable to advise what this amount is likely to be.

SCC - Obligations Manager

Comments that 200 new houses proposed in the scheme will have an impact on local infrastructure particularly in terms of education.

Primary Provision

The residents of the scheme will generate the need for 14 new primary school places and it is the County Council's strategy due to anticipated housing build rates in Woolpit to ask developers to contribute towards the purchase of a 3ha parcel of land to build a new 420 place school in Woolpit. They have asked that £230,006 be secured under a S106 agreement towards the provision of the new primary school as well as a further £24,710 to secure land for the new school site.

Temporary classroom

The Obligations Manager has also advised that there will be a need for temporary classroom arrangements to accommodate the needs of the children that arise from housing development that are expected to occur in Woolpit in the future whilst the new school is being built.

The temporary classroom will be facilitated via a CIL bid as it is classified as being an extension to an existing school in the Council's 123 list.

Secondary School and 6th form provision

The Obligations Manager has commented that secondary and 6th form provision in the area is currently sufficient to accommodate the additional pupils which will be generated from this proposal.

Pre-school

The Obligations Manager has also noted that there is only one pre-school establishment in the locality (Woolpit Arc) and this scheme will produce a deficit of 24 places. Based on the scale of development currently being assessed in Woolpit, the proposed legislative changes and the intention to establish a new primary school (with nursery provision), the most practical approach is to establish a new early education setting on the site of the new primary school

which would be a 30 place setting, providing sufficient capacity for 60 children in total. Our latest estimates are that a 30 place early education setting costs £500,000 to construct on a site of approximately 630m² (note: this includes outdoor play and parking).

The Mid Suffolk Regulation 123 List indicates that new early years settings are not identified for funding through CIL. A proportionate contribution for this scheme would be based on 8 children of the total 60 who would be accommodated within the new setting, could be calculated as follows (revised costs from a similar scheme in Suffolk):

- £500,000 construction cost (including land as collocated with the new primary school) for a new 60 place setting
- £500,000/60 early years pupils = £8,333 per place
- From 79 dwellings there is the need for 8 additional places
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Therefore 8 pupils x £8,333 per place = **£66,664 (2017/18 costs)**

Total contribution for all education provision - £321,380

Other infrastructure contributions

Requests a contribution of £17,064 towards library provision. This is requested under the Council's CIL 123 list.

Flood and water management

Notes connection needed to adjacent application site. Seeks further information which can be conditioned.

SCC Highways

Does not raise any objections to this scheme subject to the imposition of standard highways conditions. Requests that the council secures traffic calming, walking and cycling improvements on Heath Road including a pedestrian crossing facility, a footway/cycle track link between Old Stowmarket Road and Rectory Road, footway widening scheme south of Mill Lane, and dropped kerbs for pedestrians at the junctions of Steeles Road and Mill Lane. A contribution of £40,000 is required to secure the above.

They have also requested bus stops with easy access kerbs which can be secured via a CIL bid as these are included in the Council's 123 list.

Highways England

No objections

Representations

6. 17 letters of objection have been received in relation to this proposal raising the following issues:

- Need for suitable junction improvements to Church Road
- Need for footway improvements to Church Road
- Need for improvements to Woolpit Health Centre before any further development.
- Traffic concerns
- Should be 35% affordable housing and not anything less, concerns over the lack of social housing

- Needs a landscape appraisal and concerns over treatment of SAM
- Public green welcome, but management?
- Loss of agricultural land
- Affects character of village
- Noise and lighting impact on new housing
- Impact on newts in Lady's Well Scheduled Ancient Monument
- Drainage concerns
- Need more bungalows
- fear of becoming a town
- object to all development across entire village in general
- should built in Stowmarket first
- ownership issues
- covenants on land to fund church
- lack of public consultation from the developer
- Have suggested other sites which they consider to be more appropriate

The Site and Surroundings

7. The site is located within the northern part of Woolpit on land to the north of Old Stowmarket Road. Woolpit is designated as a Key Service Area within the Core Strategy. The site itself has no designations within the Development Plan and lies outside the defined settlement boundary.

The site is an open agricultural field.

South Boundary: This is a mostly open boundary that fronts Old Stowmarket Road and access is proposed from this road. Opposite is Saffrons Close, a small modern housing estate and further fields on which an application for a further residential development is proposed currently (also before the committee today).

East Boundary: A mature boundary which is shared with Woolpit Nurseries.

North Boundary: Mature boundary shared with Gold Star Transport. This use can be seen in part from the site depending on where you stand and the time of the year.

In the north west corner is Lady's Well, a scheduled ancient monument enclosed by trees and it is not part of this application.

West Boundary: Mature boundary and fronts Church Road, which is the main road from the A14 junction into Woolpit. To the West is the centre of Woolpit village where you can see the church. To the south west are Church Road/Health Road and the Old Stowmarket Road junction where a petrol station/garage exists.

The site is partly within the Woolpit Conservation Area.

The Proposal

8. This application is an outline application for up to 79 dwellings. An indicative plan has been submitted to demonstrate how 79 dwellings may be positioned, but this may not be how the scheme is progressed under a reserved matters scheme if planning permission is granted for this proposal as the applicant has only requested that the principle of the development and the access details are considered at this outline stage.

NATIONAL PLANNING POLICY FRAMEWORK

9. 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.

The following parts of the NPPF are considered to be applicable to this scheme:

- Para 6: Achieving sustainable development
- Para 7: Three dimensions to sustainable development
- Para 11 – 15: The presumption in favour of sustainable development
- Para 17: Core planning principles
- Para 32 and 34: Transport movements
- Para 47: Delivering a wide choice of high quality homes (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.
- Para 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.
- Para 112 & 117–119: Development affecting agricultural land & protected wildlife
- Para 123: Planning and noise.
- Para 125: Planning and darker skies.
- Para 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.
- P203 -206 – Planning conditions and obligations.
- Para 211 - 212: Using development plans and the NPPF in decision making.
- Para 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

CORE STRATEGY

10. Core Strategy Focused Review
FC1 – Presumption in favour of sustainable development.
FC1.1 – Mid Suffolk’s approach to delivering sustainable development
FC2 – Provision and distribution of housing.

Core Strategy

- CS1 – Settlement hierarchy
CS2 – Development in the countryside & countryside villages
CS4 – Adapting to climate change.
CS5 – Mid Suffolk’s environment
CS6 – Services and infrastructure
CS9 – Density and mix

NEIGHBOURHOOD PLAN / SUPPLEMENTARY PLANNING DOCUMENTS / AREA ACTION PLAN

11. A Neighbourhood Plan designation was conferred on 4th May 2016 and covers the Parish of Woolpit. At the time of the consideration of this proposal there are no policies associated with the plan and the comments made by the parish about giving its evidence base weight is noted. However, having regards to the contents of paragraph 216 of the NPPF it is considered that given the early stage of plan preparation that little material weight can be given to the Neighbourhood Plan. Usually Neighbourhood Plans are given greater weight where they have received their examination or have been through the local referendum which is not the case in this instance.

SAVED POLICIES IN THE LOCAL PLAN

12. GP1 – Design and layout of new developments
HB1 – Protection of historic buildings
HB13 – Protecting ancient monuments
HB14 – Ensuring that Archaeological remains are not destroyed
H3 – Housing developments in villages
H13 – Design and layout of development
H15 – Development to reflect local characteristics.
H16 – Protecting existing residential amenity
H17 – Keeping new development away from pollution
CL8 – Protecting wildlife
CL11 – Retaining high quality agricultural land
T9 – Parking standards
T10 – Highway consideration in developments
RT4 – Amenity open space and play areas within residential development
RT12 – Footpaths and bridleways
SB3 – Retaining visually important landscapes

Main Considerations

13. 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.

14. The following are identified as the main considerations in assessing this application:

The Principle of Development

15. 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 have to be available, suitable, achievable and viable.
16. 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 without delay (unless material considerations indicate otherwise).
17. The precise meaning of 'relevant policies for the supply of housing' has been the subject of much case law, with inconsistent results. However, the Supreme Court has given a judgment on 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 applying the 'tilted balance' required by this paragraph, the Council must decide what weight to attach to all of the relevant development plan policies, whether they are policies for the supply of housing or restrictive 'counterpart' policies such as countryside protection policies.
18. 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...*'
19. The Council published the Ipswich and Waveney Housing Market Areas Strategic Housing Market Assessment (SHMA) in May 2017 which is significant 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.

20. 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 = 3.9 years
21. The NPPF requires that development be sustainable, and paragraph 6 of the NPPF sets out guidance on what this means in practice by drawing attention to all of the policies from paragraph 18 to 219 of the NPPF. In some circumstances there is also a presumption in favour of sustainable development which is to be applied as set out in paragraph 14 of the NPPF. This has been discussed above.
22. 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."

Sustainability of the Proposal (including assessment against the development plan and the NPPF)

23. The NPPF provides (para 187) that *"Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area."*
24. The site is outside the development limits for Woolpit and in conflict with the policies as contained in the adopted Core Strategy and Local Plan. It is clear on reviewing the guidance in the NPPF that, as the Council does not have a five year supply of housing land, the housing delivery policies CS1 and CS2 of the core strategy, along with policy H7 of the Local Plan, should not be considered to be up-to-date. In this respect, refusing the application solely on the basis of the development being outside the development limits of Woolpit, would not sit comfortably with the requirements of the NPPF that looks to consider the sustainability of the development in relation to the environmental, social and economic strands of sustainability.
25. The contents of paragraph 55 of the NPPF are also considered to be material in the making of a decision on this case. Paragraph 55 of the NPPF makes it clear that

Councils can no longer consider sites that are adjacent or near to a settlement limit to be unacceptable simply because they are the wrong side of the line. It now makes it clear that 'new isolated homes in the countryside will not be supported and that Councils are encouraged to promote sustainable development in rural areas by considering housing development in locations where they could enhance or maintain the vitality of rural communities. It gives an example in paragraph 55 that new housing could provide increased facilities in one settlement which would be of benefit to it and the other surrounding settlements.

26. Having regards to the above, it is considered that the application site is not in an isolated location as it is adjacent to the built up part of the village, and the scheme will bring with it contributions towards enhancements to local facilities which will be of benefit to the residents of Woolpit and the surrounding hinterland. Therefore, in terms of paragraph 55 of the NPPF, this proposal could be considered to promote sustainable development in a rural area. However, having regards to the fact that the Council does not have a 5 year supply of housing and has to balance the negatives of the scheme against the positives that it brings in line with the requirements of the NPPF, consideration of whether the scheme will be supported as sustainable development will be given in the conclusion to this report.
27. In reaching a decision, paragraph 47 of the NPPF is also a material consideration and requires Local Planning Authorities to boost significantly the supply of housing, by identifying and updating annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements, with an additional buffer of 5% to ensure choice and competition in the market for land. As stated above, the Council cannot demonstrate a 5 year supply of housing and as such paragraph 49 of the NPPF applies and states that in this situation, the relevant policies for the supply of housing in the Council's adopted plan should not be considered to be up to date and that the scheme remains to be considered under the requirements of paragraphs 7 and 14 of the NPPF which defines what sustainable development is and how decisions should be made.
28. Policy FC1 of the Mid Suffolk District Core Strategy Focused Review states that it takes a positive approach to sustainable development and, as with the NPPF requirements, the Council will work proactively with developers to resolve issues that improve the economic, social and environmental conditions in the area. Related policy FC1.1 makes it clear that for development to be considered sustainable it must be demonstrated against the principles of sustainable development. The policy goes on to say that proposals for development must conserve and enhance the local character of the different parts of the district and how it addresses the key issues of the district.
29. The settlement of Woolpit offers a wide range of local services and local infrastructure to its residents. Woolpit has a primary school, shops, a business park and a number of other local facilities which act as a service to the inhabitants of the village as well as providing employment opportunities. Woolpit also has its own health centre which can potentially be expanded in the future to meet future population needs.
30. In relation to paragraph 7 of the NPPF, the proposals would contribute to building a strong, responsive and competitive economy through the creation of construction and related jobs and the on-going contribution to the local economy from the creation of up to 79 additional households in the area. The proposals would also contribute towards providing the supply of housing required to meet the needs of present and future generations and by having the potential to create a high quality built environment, as well as contributions towards affordable housing, the highway network and other social

infrastructure (public open space, education, health care) through a CIL contribution, or where appropriate, a section 106 agreement.

31. Consideration of whether this proposal is considered to constitute sustainable development, having regard to the contents of policies FC1 and FC1.2 of the Adopted Core Strategy Focused Review and the contents of the NPPF will be reached in the overall conclusion to this report.

Design And Layout

32. Section 7 of the NPPF refers to design. Specifically, paragraph 56 states that good design is a key aspect of sustainable development; it should contribute positively to making places better for people. Decisions should aim to ensure that development will function well and add to the overall quality of the area, establish a strong sense of place, create attractive and comfortable places to live, work and visit, optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport networks. Furthermore, it provides that development should respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. The NPPF goes on to state it is "proper to seek to promote or reinforce local distinctiveness" (para 60) and permission should be "refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions" (para 64). In addition policy CS5 provides that "*All development will maintain and enhance the environment, including the historic environment, and retain the local distinctiveness of the area*" and echoes the provision of the NPPF.
33. The application is in outline form and the plans as submitted provide an indicative layout of how the scheme could potentially look should this outline planning application be approved. This scheme specifically relates to the principle of the development of the site. This site does extend the residential footprint of the village, however it is neighboured to its north by the haulage yard and to the east by the plant nursery and to the south by existing residential development with a further housing site proposed to the south. As such it has the appearance of an infill site rather than being an open field on the edge of the village jutting into the countryside. The applicant is suggesting the use of open space to the western part of the site and along the boundaries to ensure that the scheme fits in to the surrounding environment.
34. Due to the need to provide an open space area to the west of the site which acts as a setting buffer to the Lady's Well SAM and the listed church, a further open space area towards the Old Stowmarket Road frontage and a third open space area also exists within the site, the indicative density of the site at 16 dwellings per hectare is low and is not out of keeping with other residential development in the locality. Objections have been received stating that the density of the scheme is high, but when taken in the context of the amount of open space provided by the applicant, it is clear that for a 4.9ha site the density of the dwellings at 16.1 is low and cannot realistically be considered to be excessive.
35. Setting of church - Objectors have referred to the fact that the proposed development does not safeguard views of the church and in fact blocks some potential views. However, these potential views do not exist for the public, only the owner of the field at this time. This development will allow new public views from the field in terms of being from the new open space area and from the new housing area in part. While some private views from parts of the field may be removed, far more people will enjoy the

public views (and some private ones) that will be made available should this scheme go ahead.

36. Setting of the Lady's Well Scheduled Ancient Monument (SAM) - This is a wooded enclosed space and not part of the application. It is understood to be open to the public, but there is no vehicular access or parking for it. Pedestrian access is via the main road. Placing public open space adjacent to it may allow for better opportunity for the enjoyment of this asset. The setting of the SAM is rural, it was at one point clearly connected to the Church, but when the adjacent main road was built around 1950s/60s it cut it off. The perceived rural position is essentially the one large field and that in turn is enclosed by the transport depot to the north, nursery to the east, recreation and development to the west and some residential uses to the south that actually take up a reasonable frontage opposite the site. There is a field to the south that part of which can be seen, but this has been previously resolved to agree development and is the other side of old Stowmarket road. This existing enclosure overall could be argued to increase the importance of the remaining open field in context with the SAM, but the open field itself is a modern setting and the result of recent farming techniques. Looking back to 1880 we find the field (if it was that) was subdivided into three parts with a line of trees down the centre north to south. The setting of the SAM has significantly altered over recent times. In other words, where the housing is proposed would have once been a separate field out of sight and obstructed in terms of views in respect of both the SAM and the Church.
37. In design terms the development has attempted to respect these historic boundaries and keep a distance from the SAM. Up to 79 dwellings when considered in terms of the developable part of the site only (i.e. when not considered with the three open space areas shown on the plan) amounts to 29 dwellings per hectare which is higher than that seen in the locality. However, it is considered that any decision made on this basis whereby the scheme is not considered as a package and both the residential and open space areas are not considered together would potentially be perverse and not likely to be defensible at appeal. It must also be remembered that Saffrons Close which lies across the road from this site is clearly a suburban estate opposite the site which sets a local building precedence.
38. The design is not known at this stage, but on balance it is considered that at reserved matters a scheme can be brought forwards that does have the ability to function well add to the overall quality of the area, establish a strong sense of place, create attractive spaces and while might change the understanding of the open field, respects the history.

Site Access, Parking And Highway Safety Considerations

39. Policy T10 of the Mid Suffolk District Local Plan provides criteria on highway considerations when assessing planning applications. This policy requires access points into and out of the site to be safe and an assessment made as to whether the existing local roads can suitably accommodate the impact of the proposal, whether adequate parking and turning spaces exist within the site and that the needs of pedestrians and cyclists have been met. This policy is considered to carry significant weight in the determination of this application as it is in compliance with paragraph 32 of the NPPF which requires all schemes to provide safe access for all.
40. Objections have been received in relation to this scheme on the basis of highway safety grounds, specifically the increase vehicle movements which would occur on the public highway if this scheme was to be approved and also concerns about the

capacity and the safety of the Heath Road/Old Stowmarket Road junction.

41. Suffolk County Council Highways has been consulted on this proposal and they have not objected to it subject to the imposition of highway conditions. In their assessment of the proposal, they have noted that application 1636/16 (which was previously recommended for approval by the committee) which proposes residential development across the road from this site on land to the south of Old Stowmarket Road had as part of that scheme a double roundabout arrangement which would overcome the concerns of the parish and the objectors in relation to vehicle movements at the Heath Road/Old Stowmarket Road junction. The Highway Officer noted in his consultation response that the additional movements associated with application 1636/16 would not be significant and the additional movements associated with this scheme would also not be significant and when considered together, the mitigation measures as proposed would be sufficient to ensure that highway safety and the free flow of traffic in the locality would be maintained.
42. The Local Highway Authority has identified that the scheme will offer sustainable travel options to local residents as additional pavements and linkages to the village are proposed. This will help to improve accessibility on foot and via cycles without the inhabitants having to use their own cars to exclusively access local services. The Local Highway Authority is recommending that the applicant is obligated via a S106 agreement to provide the sustainability measures outlined above.
- Having regards to the specific and cumulative highway impacts of the scheme it is considered that the proposal complies with the requirements of policy T10 of the local plan and paragraph 32 of the NPPF, in that safe and suitable access for all people can be achieved and that cost effective improvements can be undertaken to the transport network to ensure that non-motorised modes of transport can be used to access local facilities.

Landscape Impact

43. Paragraph 58 of the NPPF states that proposals should provide appropriate landscaping to ensure that they integrate well into the surrounding locality. This requirement is repeated in one of the requirements of policy H13 of the Mid Suffolk District Local Plan.
44. As noted under the design heading above, the site is enclosed and not a location likely to be intrusive to open countryside. The vast open space areas can represent significant opportunity for landscaping and wildlife that can be assessed under reserved matters.

Environmental Impacts – Flood Risk

45. Paragraph 100 of the NPPF makes it clear that inappropriate development in areas of flood risk should be avoided by directing development away from areas of highest risk. The contents of policy CS4 of the Mid Suffolk Core Strategy is in line with the requirements of the NPPF in terms of flood risk and carries significant weight in the determination of this application. In terms of flooding from rivers, the site complies with local and national policy as it lies in a flood zone 1 area which is land at least risk of flooding.
46. Objections have been received in relation to the impact of the scheme on surface

water drainage and flooding in the locality. Anglian Water and the County SuDs Team have been consulted on this proposal. At outline stage details of drainage are not available, but given the available land and the details shown in the indicative plans, it is considered that a suitable approach and scheme can be secured in terms of drainage. It is considered in terms of flood risk that the scheme can be made acceptable subject to the imposition of a suitably worded condition to meet the requirements of paragraph 100 of the NPPF and policy CS4 of the Mid Suffolk Core Strategy.

Heritage Issues - Impact On The Setting Of Neighbouring Listed Buildings

47. Policy HB1 (Protection of Historic Buildings) places a high priority on the protection of the character and appearance of historic buildings, particularly the setting of Listed Buildings.
48. In paragraph 17 of the NPPF it makes it clear that development should “*conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations*”. Para 131 goes on to state that “*In determining planning applications, local planning authorities should take account of; the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness.*” Furthermore Para 132 states “*When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.*”
49. Objections have been received to this scheme on the basis that the proposal is harmful to the setting of a scheduled Ancient Monument and listed buildings in the vicinity and other local buildings that the objectors consider to be historically important.
50. *Priory Cottage* to the west and opposite the site is Grade II Listed. To the south of the site and beyond the site within open countryside, but within visual range is *The Grange* which is also Grade II Listed. *Priory Cottage* is a rendered 1 1/2 storey cottage of a reasonable size on a large plot. Mature planting surrounds the site, but it is more open in winter months. Currently the Listed Building represents the gateway to Woolpit as the first building on Green Road approach to the village. It has a strong rural setting that will be affected by building development opposite. However, the Listed Building maintains open fields to the south and west that will continue to frame the view of this building without influence of new development opposite given the route of the road. Having regards to the contents of part 7 of the NPPF, it is not considered that the harm to the setting of *Priory Cottage* can be considered to be substantial as the cottage itself is not affected by the proposal. However, it is considered under the requirements of paragraph 134 of the NPPF that the harm to the setting of *Priory Cottage* as a Grade II Listed Building is considered to constitute less than substantial harm where the harm needs to be considered and weighed against the wider public benefits of the scheme.
51. It is considered that as the Council does not have a 5 year supply of housing as required by paragraph 47 of the NPPF (the current supply is 3.9 years) that the proposal will help to contribute towards this deficit by providing 79 new dwellings. The scheme will also deliver 35% of the dwellings as affordable houses to help to meet the

need in the locality and a further £378,444 in contributions which cover matters such as an improvement to: library facilities; bus stops; road improvements and a new primary school. It is considered in this situation, that the package of benefits that are to be provided to the wider community outweigh the harm to the setting of Priory Cottage.

52. The Grange is over 250m to the south of the site. Views from this building will be impacted by the development, but given the distance seen in context with the rear of Woolpit and its built form the impact will be minimal. However, in line with the NPPF, the impact on 'The Grange' is considered to constitute less than substantial harm in line with the requirements of paragraph 134 and the package of wider benefits as outlined above would be considered to outweigh this harm. The same argument would be the case in relation to the impact on the other 'non designated heritage assets' in the village.
53. In relation to the impacts upon the Listed Buildings within the centre of the village these are considered to be limited to the potential increase in the amount of vehicles and associated noise, pollution and disturbance in the locality, thereby affecting the appreciation of the Listed Buildings, and a potential increase in people accessing the area. In this regard, the proposal is considered to cause less than substantial harm, whereby the public benefits as outlined above would outweigh any harm that would occur to the settings of the Listed Buildings.
54. Historic England and the Council's Heritage Officer have objected to this scheme on the grounds that they consider it will have a harmful impact on the setting of the Lady's Well Scheduled Ancient Monument and the Grade 1 listed Church of St Mary. They both advise that amendments to the layout of the scheme could potentially overcome the concerns raised above.
55. It must be remembered that the application as submitted is in outline form and the plan as submitted is only indicative. The erection of 79 dwellings on the parcel of land as shown amounts to only 16 dwellings per hectare and the applicant has already shown large areas of open space to respect the historical settings of the SAM and the Church. It is considered in this instance that the comments of Historic England and the Council's Historic Officer are unreasonable as the applicant has worked hard to reduce density and provide open space to respect the settings of the listed buildings as part of this scheme. However, as the scheme is in outline form, detail of the site and specifically the numbers and density of the scheme can be altered and reduced even further at Reserved Matters stage to address this issue if this is considered to be necessary (and it can be demonstrated that doing so would be viable for the applicant). Furthermore, as harm to the setting of the ancient monument and the listed building has been identified, there is the same requirement as for the other listed buildings as identified above where the harm needs to be considered and weighed against the wider public benefits of the scheme. Again, it is considered as outlined above that the benefits the scheme brings outweigh the harm to the designated heritage assets and as such, the proposal should be supported.

Impact On Residential Amenity

56. Policies within the adopted development plan require, inter alia, that development does not materially or detrimentally affect the amenities of the occupiers of neighbouring properties. This requirement is emphasised in the NPPF Core Values in paragraph 17 where it states that all schemes should seek a good standard of amenity for all existing and future occupants of land and buildings.

57. Objections have been received to this scheme on the basis that the dwellings as proposed will overlook the existing dwellings on Green Road and Steeles Road to the detriment of the living conditions of the occupiers.
58. This application is in outline form and as such, details of the exact location, types and orientation of the dwellings are not required to be given assess at this outline stage. However, on reviewing the indicative plan submitted, it is considered that this does not give rise to concerns of loss of neighbour amenity by reason of form, design and the distance between the dwellings. There is also substantial landscaping proposed along the periphery of the site which will also enclose the site and restrict instances of loss of privacy. As such the proposal meets the relevant NPPF core value in paragraph 17.

Biodiversity And Protected Species

59. Regulation 9(5) of the Conservation of Habitats and Species Regulations 2010 (Implemented 1st April 2010) provides that all "competent authorities" (public bodies) to "have regard to the Habitats Directive in the exercise of its functions." In order for a Local Planning Authority to comply with regulation 9(5) it must "engage" with the provisions of the Habitats Directive.
60. The content of paragraph 118 of the NPPF is also applicable to the consideration of this proposal as it states that when determining planning applications, consideration must be given to 6 principles. The two following principles are applicable to this scheme:
 - a. If significant harm is caused which cannot be avoided or mitigated by conditions then planning permission should be refused.
 - b. Opportunities to integrate biodiversity in and around developments should be supported.
61. Whilst a number of local residents and the Parish Council have objected to the scheme on biodiversity grounds, the Suffolk Wildlife Trust has not raised any objections to this scheme. There are no recordings of protected species or their habitats in the immediate area and it is highly unlikely that any protected species would be found within this site as the land is farmland with the majority of the trees, hedges and the ditches which could potentially contain protected species still being retained along its periphery with the majority of them being outside the garden boundaries of the new dwellings. Furthermore, the substantial new planting that is proposed along the western and southern boundaries of the site will provide additional habitat for nesting birds as requested by the Wildlife Trust and will improve the biodiversity offer of the site and as such, the scheme is considered to be in compliance with paragraph 118 of the NPPF.

Other issues

62. Woolpit Parish Council has objected to the proposal and comments in relation to their specific objections are given below.
63. There are no previous recordings of archaeological interests found on the site itself to date. While the site is adjacent to a SAM, given the historic nature of the use and land to remain unaffected it is considered that seeking full archaeological trenching for the outline application or otherwise refuse would be difficult to defend at appeal. Instead a condition is considered sufficient to record any artefacts that may be found.

64. Para 4.13 of the applicant's Transport Statement says that each property shall have two cycle storage spaces per dwelling. However, no provision has been made for cyclists within and outside of the site. Being an outline application this degree of detail is not considered to be reasonable especially as layout is reserved. Space for such provision is available and would be expected under a reserved matters application.
65. The Parish state it is unacceptable to assume that that the crossroad junction and other improvements proposed for the Old Stowmarket Road South development (1636/16) have been completed before development work for this current application takes place. This is true and this application should have its own proposals for improvements relevant to the scale and type of development proposed, noting this development is for far less development than the 1636/16 case. Accordingly, it is considered necessary to ensure that improvement works will take place if not already there prior to the commencement of this application. This is recommended.
66. The applicant in reports refers to Woolpit being a small town with large scale industrial sites in Old Stowmarket Road. This is absolutely not the case. Woolpit is a medium sized medieval village with great character and with many significant Listed Buildings. Old Stowmarket Road, particularly in the area of the application near Lady's Well, is still semi-rural in nature and not dominated by industry.
67. Local Bus Service - Comments have been made that the local bus service is poor that it will not be adequate to accommodate the needs of the new residents.
68. On examining the local timetables, buses 384 and 385 operate in the locality offering services to Bury St Edmunds and Stowmarket. The first bus of the day (Monday to Friday) going through Woolpit to get to Bury is 6:50am with the last bus at 18:20 with regular services running throughout the day at approximately 1 hour intervals. On Saturdays, the service runs on an approximate hourly basis from 07:45 to 16:30, but with no services on Sundays.
69. The service between Woolpit and Stowmarket commences at 8:04am during the working week with the buses running at approximately 1 1/2 hourly interval throughout the day to 18:49. Saturday services commence at 8:04am and again run at 1 1/2 hourly interval until 18:19. Again, no service runs on a Sunday.
70. For a rural location and in the current economic climate the bus service appears to be reasonably adequate compared to some other rural locations elsewhere. It can also be argued that by granting permission for additional dwellings in the locality, there will be more residents and hence more potential customers for the local bus service which could act as a catalyst in the future for an improvement to the local bus service to meet a potential increase in demand.
71. Loss of agricultural land - Objections have been received to this scheme on the basis that the development of the land with houses will result in the loss of agricultural land. According to the Council's maps, the application site is partly classified as Grade 2 (this is a small parcel adjacent to the field drain on the western side of the site) with the remainder being Grade 3. The applicant has confirmed that the part that is classified as grade 3 is grade 3b which is not land of best and most versatile agricultural quality. For the sake of clarity, Grades 1 - 3a are classified as the best and most versatile agricultural land with grades 3b to 5 being classified as land of poorer quality that is not the best and most versatile.

72. Paragraph 112 of the NPPF makes it clear that in the consideration of planning applications where the best and most versatile agricultural land (Grades 1 to 3a) is to be lost for significant amounts of development this has to be demonstrated to be necessary and consideration should be given to the development of poorer agricultural land in preference. It is clear on reviewing the Natural England maps for the district that the majority of the land in Mid Suffolk is grade 3 (whether it is 3a or 3b is not defined) with the remainder being higher quality grade 2 land. There is very little land in the district in the lower categories (4 - 5) and as such it is considered that the loss of the small part of grade 2 land will not have a demonstrable economic impact on agriculture and overall food production in the locality. In terms of paragraph 112 of the NPPF, development on Grade 3b (or lower category) land can proceed without justification as it is not considered to be the best and most versatile land and is not worthy of protection.
73. Local support for the scheme - The parish has commented in their supporting statement that the applicant has misrepresented in his supporting statement the amount of local support that has been shown for this scheme. Whilst the parish and the applicant may have different opinions in terms of the level of support for the scheme, this on its own is not a material consideration in the determination of this application.
74. Cumulative impact - Comments have been made that this application is one of many that have been submitted for Woolpit and the other villages along the A14 corridor and that the Council needs to consider the cumulative impact of all of these schemes before granting planning permission. The British planning system requires each submitted planning application to be considered on its individual merits, but the Council is working with other colleagues within the Council and in the County Council to understand the impacts of all of the separate applications on the infrastructure of the affected parts of the district. This is to understand what is required to mitigate the impacts of the proposals (such as funding for school places or doctors surgeries etc.) and where mitigation is not possible, what grounds could be used to refuse planning permission for some of the schemes.
75. Lack of public open space in the development - Comments have been made that the proposal is deficient in public open space. Following discussion with the case officer, the applicant will provide an open space area between plots 24 and 48 with links through to Steeles Road which also includes a 355m² equipped play area which meets the Council's policy requirements when they come to submit their detailed reserved matters scheme.
76. Makes Woolpit a Town rather than a village - This is an individual's observation/opinion on the scheme and is not a material consideration in the determination of this application.
77. No Jobs, just residential - This is again an individual's opinion of the scheme. There are no national or local policy requirements for the applicant to provide a commercial element with this scheme. Whilst the proposal is for residential development it will result in the creation of jobs for the construction phase of the site.

Planning Obligations / CIL

78. Objections have been received in relation to this scheme on the grounds that the local schools and the health care provision will not be able to cope with the requirements of the scheme.

79. The Council has now implemented CIL which accordingly takes on board requirements such as open space contribution, NHS and education contributions. Recent development resolved to be approved adjacent to the Woolpit Health Centre includes additional car parking to serve the Health centre and that in turn provides future capacity for the expansion of the Health Centre for the area and the NHS Trust have asked for £16,460 towards this (this scheme is back with the committee for consideration due to an additional education requirement).
80. Affordable Housing is not part of CIL and members should note that policy to seek up to a 35% provision remains in effect. The applicant initially indicated that they could only afford to provide 20% affordable housing on this site, but have recently reconsidered their offer and they have now confirmed that they can provide affordable housing of a policy compliant 35% as part of this scheme. The applicant has agreed to amend the layout of the site at reserved matters stage to meet the requirements of the Council's Affordable Housing Officer in terms of the types and sizes of properties that are required.
81. In response to the objectors comments, it must be made clear that this scheme will deliver £378,444 in contributions which cover matters such as an improvement to library facilities; waste facilities; bus stops and road improvements (both on-site and off-site), and a new primary school and nursery facility.
82. In terms of education, there are currently 25 spaces at the local primary school and if this scheme is delivered first, the children of the occupiers of the dwellings would take up these spaces. Therefore, this scheme would not have to contribute towards primary education as there would be sufficient capacity to meet the identified need. However, should one of the other schemes that are coming forwards in Woolpit come first and use the 25 spaces, then the County Council has identified that there will be a need to find land and provide a new 420 place school and combined pre-school on it, and the developer of this site would be expected to contribute £321,380 towards that. However, to complicate matters further, there are negotiations with another developer to provide land to the primary school which would facilitate an extension of it. The County Council has advised that an extension to the existing school would be their preferred option and to secure this they would bid for it under Mid Suffolk's CIL scheme. Whilst the above may sound complex, there is a strategy in place to mitigate the impact of the proposal on the local education infrastructure.
83. 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)

84. Council Tax payments from the dwellings when built
 Planning Delivery Grant from Central Government for delivering the dwellings
 35% of the scheme delivered as affordable housing

S106 Agreement:

- £378,44 as a pro-rata payment towards the provision of land and a 420 place primary school and combined pre-school facility
- £40,000 towards highway improvement works including non-vehicular modes of travel.

CIL:

- £17,064 contribution for local library provision.
- An unspecified amount towards improvements at the Woolpit Health Centre.

PART FOUR – CONCLUSION

Planning Balance

85. Woolpit is a key service area and one of the more sustainable areas available to grow and to take on the significant housing need the District has to address. Such areas will need to develop and grow in the future to serve the need and current gap in housing supply in the district.
86. The lack of a 5 year housing supply means that little weight can be given to local policies that restrict housing supply, especially when dealing with a sustainable centre such as Woolpit. Paragraph 14 of the NPPF makes it clear that where a development plan is out of date, planning permission should be approved without delay unless any adverse impacts of doing so would significantly or demonstrably outweigh the benefits when assessed against the policies in the framework taken as a whole or any specific policies in the framework that indicates that development should be restricted. Therefore, new housing should not be poorly designed, harm the landscape, cause traffic issues that cannot be mitigated, impact on flood risk or have a negative impact on designated heritage assets or have other demonstrable adverse material impact.
87. Woolpit is a sustainable settlement with the site being on the edge of the settlement with development to the north and east and partly to the west. Due to this, the residents of the site will be within a reasonable distance of the village centre to enjoy its facilities and it will be possible to access these by walking due to the enhanced pedestrian links proposed as part of this scheme. The site is very much a part of the village and its development is not considered likely to cause detriment to the character of Woolpit and its history or its conservation area. In terms of design, the proposal is an outline application and the details of the houses are not for consideration at this stage. However, it is considered that a suitable scheme can be provided at reserved matters stage making best use of the substantial open space and landscaping that is shown on the indicative plans with this outline application. Whilst traffic will increase in the area as a result of this development, it is not considered that it will be to the extent that it could be considered to be severe and the applicant is proposing mitigation in the centre of the village to help ease traffic flow.

While the development is not considered to cause harm on its own merits, it does provide additional benefit to the local community by the provision of 35% affordable housing and £378,444 in contributions which cover matters such as an improvement to health facilities, library facilities; bus stops; road improvements and a new combined primary and pre-school facility. Therefore, it is considered that the proposal meets the three strands for sustainable development as outlined in paragraph 7 of the NPPF and in line with the requirement of paragraph 14, planning permission should be approved without delay as the benefits that the scheme bring are considered to outweigh the adverse impacts of doing so.

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

88. 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.
89. In this case the planning authority has worked with the applicant to resolve issues with the impact of the proposal on the local highway network, the types of affordable housing proposed, the location of the electricity substation and overlooking of the playground area by the houses.

Identification of any Legal Implications of the decision

90. There are no known legal implications derived from the determination of this application.
91. The application has been considered in respect of the current development plan policies and relevant planning legalisation. Other legislation including the following have been considered in respect of the proposed development.
- Human Rights Act 1998
 - The Equalities Act 2012
 - Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990
 - Natural Environment and Rural Communities (NERC) Act 2006 (any rural site)
 - The Conservation of Habitats and Species Regulations 2010
 - Localism Act
 - Consideration has been given to the provisions of Section 17 of the Crime and Disorder Act, 1998, in the assessment of this application but the proposal does not raise any significant issues.

RECOMMENDATION

92. That the Corporate Manager Growth & Sustainable Planning be authorised to grant outline planning permission subject to the prior completion of a Section 106 or Undertaking on terms to their satisfaction to secure the following heads of terms and that such permission be subject to the conditions as set out below:

Heads of terms:

- 35% Affordable Housing
- The provision of on-site public open space
- Contribution of £378,444 toward the purchase of land and to facilitate the building of a new 420 place primary school which also provides pre-school facilities.
- Junction improvements and footpaths to be agreed (if not in place prior to commencement of development)

Conditions:

1. Standard Time
2. Approved Plans
3. Fire Hydrants number and location to be agreed

4. No drainage works shall commence until surface water and drainage management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water and drainage strategy so approved unless otherwise agreed in writing by the Local Planning Authority.
5. Highways conditions as recommended by SCC
6. Site construction traffic condition.
7. Tree Protection to be agreed
8. All recommendations of T4 Ecology Ltd April 2016 report to be secured and implemented in full