

Committee Report

Item No: 3

Reference: 0117/17

Case Officer: James Platt

Ward: Stowupland.

Ward Member/s: Cllr Keith Welham.

Description of Development

Erection of 10 dwellings and construction of new access and service road.

Location

Land At Church Road, Stowupland.

Parish: Stowupland

Site Area: 0.83 hectares

Conservation Area: No

Listed Building: No

Received: 11/01/2017

Expiry Date: 22/09/2017

Application Type: FUL - Full Planning Application

Development Type: Major Small Scale - Dwellings

Environmental Impact Assessment: Environmental Assessment Not Required

Applicant: T & E Chaplin Settlement

Agent: Hollins Architects & Surveyors

DOCUMENTS SUBMITTED FOR CONSIDERATION

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:

This application is referred to Planning Committee as the Corporate Manager – Growth & Sustainable Planning considers the application to be of a controversial nature.

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:

0378/89/OL – Residential development and construction of new vehicular access – refused
0625/88/OL – Residential development including the erection of a community centre on 6.9 acres of land
– withdrawn

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

FC01 - Presumption In Favour Of Sustainable Development
FC01_1 - Mid Suffolk Approach To Delivering Sustainable Development
FC02 - Provision And Distribution Of Housing
CS01 - Settlement Hierarchy
CS02 - Development in the Countryside & Countryside Villages
CS04 - Adapting to Climate Change
CS05 - Mid Suffolk's Environment
CS06 - Services and Infrastructure
CS09 - Density and Mix
SP4_01 - SAAP - Presumption In Favour Of Sustainable Development
SP6_04 - SAAP - Development In The Villages
SP9_05 - SAAP - Historic Environment
GP01 - Design and layout of development
HB01 - Protection of historic buildings
HB14 - Ensuring archaeological remains are not destroyed
H07 - Restricting housing development unrelated to needs of countryside
H13 - Design and layout of housing development
H15 - Development to reflect local characteristics
H16 - Protecting existing residential amenity
H17 - Keeping residential development away from pollution
CL08 - Protecting wildlife habitats
CL11 - Retaining high quality agricultural land
T09 - Parking Standards
T10 - Highway Considerations in Development
RT04 - Amenity open space and play areas within residential development
RT12 - Footpaths and Bridleways
NPPF - National Planning Policy Framework

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

None.

Details of any Pre Application Advice

Pre-application advice was sought from the local authority. Those matters discussed included the principle of development, access, design and validation requirements.

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

Stowupland Parish Council - Object to the proposal on the following grounds;

- This proposed development will be in addition to the planned growth set out in the SAAP, and therefore the additional population will place an unsustainable demand on health care provision and other services and facilities (including leisure) in the Stowmarket area.
 - Development would give rise to a loss of amenity to neighbouring properties.
 - Development would give rise to a loss of visual amenity, including those users of the adjacent bridleway.
 - Traffic generated from the proposal will have an unacceptable impact upon the village.
 - Highways safety concerns due to occupiers of the development crossing the road to access the existing footway network and narrowness of existing footway.
 - The visual link between Thorney Green and the countryside through the proposal site would be lost.
 - The site contributes to the wider countryside and is an essential part of the character of the village.
 - The scale and design of the proposed dwellings is unsympathetic to the cottages opposite.
 - Two notable listed buildings are near the application site, The Croft and Crown Farm. The barns opposite Crown Farm are not listed but with the former farmhouse can be read as a coherent group of buildings within the agricultural setting. The development would destroy the agricultural setting of the buildings.
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- The proposal would breach the established building line either side of the application site.
- The site is of ecological value.
- Drainage issues arising from the development.
- The proposal is contrary to Policy CS2, CS5, FC2, Stowupland is being asked to accept a number of new dwellings equivalent to the total planned in the first five year period for all key service centre villages in the district, and a significant proportion of the greenfield provision in all KSC villages for a ten year period.
- The Parish Council have made significant progress with the work required to produce a Neighbourhood Plan. Approval of this development would deprive the community of deciding for itself how much growth is needed and where it should go.
- Proposal should provide 35% affordable housing, this should be conditioned if the development is permitted.
- Proposal is unsustainable and contrary to the NPPF, policies in the local, the adopted Core Strategy and Focussed Review, and the Stowmarket Area Action Plan. The adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits.

Suffolk County Council – Highways – No objection subject to conditions.

Suffolk County Council – Public Rights of Way – No objection.

Suffolk County Council – Archaeology – No objection subject to conditions.

Suffolk County Council – Fire and Rescue – No objection.

Suffolk County Council – Flood and Water Management Team – Register a holding objection, requesting further information.

Suffolk County Council – Developer Contributions – A future bid to the District Council for CIL funds shall be made if planning permission is granted and implemented.

MSDC – Housing Enabling – The development exceeds 1000sqm so although only 10 units does trigger the requirement for an affordable housing contribution. To date no viability case has been provided by the applicant to support why three affordable units could not be provided on-site as part of the development. There are two 2 bed houses and two 2 bed bungalows included in the open market mix so it is feasible that three of those house types could be adjusted to provide the affordable units required. If the AH cannot be provided on-site then a commuted sum would be sought.

MSDC – Infrastructure Team – If this permission was granted the development would be liable for Community Infrastructure Levy (CIL).

MSDC - Environmental Health - Land Contamination – No objection subject to a condition.

MSDC - Environmental Health – Other Issues – No objection subject to conditions.

Suffolk Preservation Society – Comments that the application will make only a small contribution to the housing shortfall but will negatively impact the character of the village, contrary to the aim of the Joint

Babergh and Mid Suffolk Landscape Guidance to retain distinctive landscape and settlement character of the district. The value of the application site, as an important gap allowing views which link the village with its surrounding landscape context, is clearly identified in the Landscape Appraisal and we therefore urge that this application is refused.

Anglian Water – No objection subject to a condition.

Ramblers Association – I have viewed this application and although this proposed development will not encroach upon bridleway no.28, it will, along with all the other housing sites, spoil the enjoyment of walking in the Stowupland area.

Place Services – Landscape – In terms of the likely visual impact on the surrounding landscape, this is limited to the immediate surroundings of the site. Due to the historic infill development along the A1120, the proposals will have a limited impact on the setting of Stowupland and its historically established settlement boundary. The proposed infill development seeks to replicate design cues from the surrounding residential developments in an attempt to retain the character of Stowupland.

The following points highlight our key recommendations for the submitted proposals:

1) We recommend a landscape maintenance plan for the minimum period of 3 years, to support plant establishment and is also submitted as part of a pre commencement planning condition,

Place Services – Ecology – No objection subject to conditions.

Natural England – No comments.

B: Representations

Third party representations have been received, comments are summarised below;

- Proposal would give rise to a harmful impact upon the landscape
- Proposed dwellings would have a detrimental impact on the heritage asset Crown Farmhouse
- Proposal would be out of keeping with the character and appearance of existing development
- Proposal would have an urbanising effect on the character and appearance of the village
- Proposal would give rise to an unacceptable increase in traffic
- Existing infrastructure serving the proposal is at capacity
- Inadequate sewerage system to serve the proposal
- Proposal would give rise to a detrimental impact upon biodiversity
- Loss of views identified as visually important in the emerging Neighbourhood Plan
- Proposal would give rise to highways safety issues due to inappropriate access

PART THREE – ASSESSMENT OF APPLICATION

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.

1. The Site and Surroundings

1.1. The proposal site comprises approximately 0.83 hectares of agricultural land on the southern edge of the village of Stowupland. The site lies to the south of Church Road, existing residential development along Church Road lies opposite and to the east and west of the site. The proposal site is located within the Countryside, opposite and adjacent to the settlement boundary of Stowupland.

2. The Proposal

2.1. This application seeks full planning permission for the erection of 10 dwellings. The proposal site is accessed by a new single point of access from A1120/Church Road, with an internal service road serving individual dwellings. The proposed development generally fronts onto A1120/Church Road, albeit set back from the road edge to create space for a visual buffer, with private amenity areas extending to the rear. The proposal comprises single, one and a half (rooms contained within the roof) and two storey properties, with single storey garage buildings. The units are of broadly traditional style and are constructed of traditional materials, including red brick, render, clay pantile and slate.

2.2. The proposal comprise the following mix of dwellings;

- 4 no. 2 bedroom dwellings
- 2 no. 3 bedroom dwellings
- 4 no. 4 bedroom dwellings

2.3. The application was subject to the submission of additional information, including the following;

- Viability Information
- Additional Drainage Information
- Amended Site Location Plan
- Amended Layout and Elevations Drawings
- Landscaping Scheme

3. National Planning Policy Framework

3.1. 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

4. Core Strategy

4.1. 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

5. Stowmarket Area Action Plan:

5.1 Summary of relevant policies Stowmarket Area Action Plan 2013:

- Policy 4.1: Presumption in favour of sustainable development
- Policy 4.2: Providing a landscape setting for Stowmarket
- Policy 6.1: Housing and Waste Storage
- Policy 6.4: Development in the villages
- Policy 8.1: Developer contributions to a sustainable transport network
- Policy 9.5: Historic Environment
- Policy 10.3: Improving the quality of open spaces
- Policy 11.1: Developer contributions to infrastructure delivery

6. Neighbourhood Plan

6.1 Stowupland Parish Council are preparing a Neighbourhood Development Plan. The 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 completed, however, a draft Plan is yet to be submitted for formal consultation. Given that the Plan remains at this early stage of preparation, Officers consider it should be given limited weight in the determination of this application.

7. Saved Policies in the Local Plans

7.1 Summary of saved policies in the Mid-Suffolk Local Plan adopted June 1998:

- Policy GP1: Design and layout of new developments
- Policy HB1: Protection of historic buildings
- 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

8. Housing Land Supply

8.1. 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.

8.2. 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).

8.3. 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, as defined above.

8.4. In accordance with Planning Practice Guidance (PPG) 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...’

8.5. The Council adopted its Core Strategy Focussed Review in December 2012 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.

8.6. 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

8.7. 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."

8.8 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 recommended to be applied to the policies within the development plan, in the context of the authority not being able to demonstrate a 5 year land supply.

9. Sustainability of the Proposal

9.1. 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.

9.2. 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

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

9.4. 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 permitted. The proposal does not represent rural exception housing for the purposes of the Cores Strategy, whilst remaining inconsistent with Policy H7 of the Local Plan.

9.5. 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 significant weight afforded to the provision of housing as to address the housing shortfall, Officers are of the view that these policies should be afforded limited weight as they restrict housing development in the countryside to exception housing.

9.6. In this case, despite its location within The Countryside, Officers consider the proposal when assessed against the NPPF, is a sustainable location due to the accessibility to services and facilities, including by sustainable modes of transport, as detailed below, thereby is acceptable in principle.

9.7. The dimensions of sustainable development, in the context of the proposed development, are assessed in detail below.

10. Economic

10.1. The provision of 10 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.

11. Social

11.1. *Provision of New Housing*

11.2. The development would provide a benefit in helping to meet the current housing shortfall in the district through the delivery of 10 additional dwellings.

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

12. Environmental

12.1. *Access to Services and Facilities*

12.2. 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.

12.3. The site is located in The Countryside, however, given that the site lies opposite and adjacent to the Stowupland settlement boundary, Officers consider the site is relatable to the settlement geographically and in its dependency upon services/facilities.

12.4. Stowupland is served by some services and facilities, including a church, primary and high school, a petrol garage with a small shop, two pubs, two food takeaways, a butcher and a sports and social club.

12.5. The reasonable access to services and facilities is reflected in Stowupland being designated a 'Key Service Centre' in the Core Strategy settlement hierarchy, the main focus for development outside of the towns. However, whilst the settlement is served by some services and facilities, it is reasonable to suggest that journeys out of the village would be a requirement for the majority of residents in order to access many day-to-day services.

12.6. The nearest settlement offering a reasonable degree of services and facilities to meet every day needs of future occupiers is the town of Stowmarket, situated approximately 1.2 miles from the proposal site.

12.7. An existing footway lies on the northern side of Church Road, connecting the site to the existing footway network and thus, those services within Stowupland and Stowmarket.

12.8. Given the above, Officers consider the proposal is located as to enable future occupiers access to services and facilities within Stowupland and Stowmarket, 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.

12.9. *Impact on the Landscape*

12.10. Policy CS5 of the Core Strategy seeks to protect and conserve landscape qualities taking into account the natural environment and the historical dimension of the landscape as a whole rather than concentrating solely on selected areas, protecting the District's most important components and encouraging development that is consistent with conserving its overall character.

12.11. Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils.

12.12. The landscape of the proposal site is not designated in any way and is not subject to the protection afforded in the NPPF to National Parks or Areas of Outstanding Natural Beauty. In addition, the site is not a locally designated Special Landscape Area.

12.13. The Suffolk Landscape Character Assessment defines the site and surrounding area as part of the Ancient Plateau Claylands landscape. Key characteristics identified include a flat or gently rolling arable landscape dissected by small river valleys; a dispersed settlement pattern of loosely clustered villages; scattered ancient woodland parcels and hedgerow with hedgerow trees.

12.14. The proposal site comprises a parcel of gently undulating, open agricultural land. The southern side of Church Road, on which the proposal site sits, is subject to residential development, bounding the site to the eastern and western boundaries; residential properties also lie immediately opposite the site.

12.15. Whilst the introduction of the dwellings would extend development into the countryside, Officers consider, due to the position of existing residential development, the proposal dwellings would be mostly seen in the context of existing residential development along Church Road, representing somewhat of an 'infill' development, mitigating the impact upon the rural setting of the village and surrounding countryside.

12.16. Furthermore, whilst development would remain visible, the incorporation of planting and landscaping, as detailed in the submitted scheme, would assist in reducing the level of visibility and harm to landscape character.

12.17. The Council's Landscape Consultant has reviewed the application and accompanying landscaping scheme. The consultant concludes the likely visual impact on the surrounding landscape is limited to the immediate surroundings of the site, whilst due to historic infill development along the A1120, the proposals will have a limited impact on the setting of Stowupland and its historically established settlement boundary. Furthermore provided drawings successfully mitigate the negative visual effects of the development on the open setting and adjacent residential areas.

12.18. The Landscape Consultant sets out a number of recommendations including;

- A landscape maintenance plan for the minimum period of 3 years, to support plant establishment and is also submitted as part of a pre commencement planning condition,

Officers recommend the above be secured by way of condition.

12.19. Officers consider it is axiomatic that the introduction of development to an otherwise undeveloped parcel of agricultural land would cause a harmful impact upon the landscape, attributed to the inevitable urbanising effect of development. Thus, Officers find that the proposal would result in a degree of harm to the existing landscape quality conflicting with Policy CS5 of the Core Strategy.

12.20. However, given the landscape qualities and characteristics of the area identified, measures that have been incorporated and the condition recommended, Officers consider the impact of the proposal on the landscape could be mitigated, giving rise to a degree of harm to the landscape that would be limited.

12.21. *Design and Impact upon the Character and Appearance of the Area*

12.22. Policy CS5 requires development to be of a high quality design that respects the local distinctiveness and the built heritage of Mid Suffolk, enhancing the character and appearance of the district.

12.23. 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

12.24. 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.

12.25. 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.

12.26. 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

12.27. The built form of the area is predominately linear, with residential development extending along Church Road, however 'close/cul-de-sac' type development at 'The Pippins', opposite the proposal site, provides some variation.

12.28. The proposal site is accessed by a new single point of access from A1120/Church Road, with an internal service road serving individual dwellings. The proposed development generally fronts onto A1120/Church Road and is set back from the road edge to create space for a visual buffer between the road side and the proposed dwellings. Given the form of development, the proposal is considered to maintain the predominately linear character of the locality and therefore remains in keeping with the character and appearance of the area in this regard.

12.29. The application proposes new housing at a density of approximately 13 dwellings per hectare (dph). Whilst the proposed density falls below that sought under Policy CS9, the proposed quantum of development would enable the inclusion of landscaping to mitigate the impact of the proposal upon the landscape and to maintain a generally linear form to the development.

12.30. The scale of development within the area is varied with examples of single, one and a half and two storey development, as such, the proposal, similarly comprising this range of scales would be in keeping with existing development.

12.31. With respect to the appearance of development, properties within the area are of broadly traditional design, constructed of traditional Suffolk materials, including render, red brick, boarding and clay tile. Additionally there are examples of slate, concrete tile and buff brick. The proposal is constructed using a comparable pallet of materials, and thus remains in keeping with development in the area.

12.32. Accordingly, Officers consider the proposal is of an acceptable design and will give rise to an acceptable impact upon the built and natural environment, consistent with the above policies and the environmental dimension of sustainable development.

12.33. *Impact Upon Heritage Assets*

12.34. Policy HB1 of the Local Plan seeks to protect the character and appearance of buildings of architectural or historic interest, particularly protecting the settings of Listed Buildings.

12.35. Policy 9.5 of the Stowmarket Area Action Plan seeks to protect the historic the historic environment of Stowmarket and surrounding villages.

12.36. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Listed Building or its setting.

12.37. Where policies are out of date, paragraph 14 of the NPPF says that permission should be granted unless 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 specific policies indicate development should be restricted. In this case there are specific NPPF policies relating to designated heritage assets that should be considered.

12.38. Paragraph 129 of the NPPF identifies that the impact of a proposal on the significance of a heritage asset should be taken into account, in order to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

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

12.40. The NPPF defines the setting of a heritage asset as the surroundings in which it is experienced. The extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset; may affect the ability to appreciate that significance; or may be neutral.

12.41. English Heritage (now Historic England) (HE) guidance indicates that setting embraces all of the surroundings from which an asset can be experienced or that can be experienced from or within the asset. Setting does not have a fixed boundary and cannot be defined, in perpetuity, as a spatially bounded area or as lying within a set distance of a heritage asset. The NPPF says that the significance of an asset is defined as its value to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting. Heritage significance can be harmed through development within setting.

12.42. Officers have identified the heritage assets Crown Farmhouse (Grade II Listed Building), The Croft (Grade II Listed Building) and The Crown Public House (Grade II Listed Building) lie within the locality.

12.43. Officer considers that the proposal would not materially harm the setting and significance of the Listed Buildings, similarly, the perception and appreciation of property would not be affected.

12.44. In conclusion, Officers consider the proposed scheme would lead to a neutral impact to the settings of the heritage assets identified, preserving the setting of the heritage assets, in accordance with Core Strategy Policy CS5, Local Plan policy HB1 and SAAP policy 9.5.

12.45. The Heritage Policies within the NPPF do not therefore indicate that the development should be restricted in this instance.

12.46. *Residential Amenity*

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

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

12.49. 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.

12.50. The Councils Environmental Protection Team raises no objection to the proposal subject to a condition restricting hours of operation for noise intrusive works.

12.51. Officers consider that the site is capable of accommodating the development proposed, without having a detrimental impact on the residential amenity of future occupiers of the proposal and neighbouring properties. A condition restricting hours of operation for noise intrusive works is recommended.

12.52. *Highway Safety*

12.53. Policy T10 of the Local Plan requires the Local Planning Authority to consider a number of highway matters when determining planning applications, 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.

12.54. 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.

12.55. Paragraph 32 of the NPPF confirms that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

12.56. The proposal is to be accessed from Church Road. The proposal will provide a total of 27 parking spaces, including 3 shared visitor spaces. The number and allocation of spaces between those dwellings proposed accords with the Suffolk Guidance for Parking technical guidance adopted by the district.

12.57. The Local Highway Authority raises no objection to the proposal subject to conditions. Officers concur with the findings of the Local Highway Authority and thereby consider the proposal to be acceptable in this regard, subject to the imposition of those conditions as recommended.

12.58. *Public Right of Way*

12.59. Policy RT12 of the Local Plan seeks to safeguard the footpath and bridleway network and, where appropriate, will support proposals to secure its improvement and modification, including extensions and extinguishments.

12.60. Paragraph 75 of the NPPF seeks to protect and enhance public rights of way and access.

12.61. As identified previously within this report, a bridleway lies adjacent to the western boundary of the proposal site. A connection through to the bridleway is provided as part of the proposed scheme.

12.62. Suffolk County Council Rights of Way and Access raise no objection to the proposal with respect to impact upon public rights of way, Officers concur with the findings of Suffolk County Council Rights of Way and Access and thereby consider the proposal to be acceptable in this regard.

12.63. *Flood Risk*

12.64. The proposal site lies within Floodzone 1 of the Environment Agency flood mapping, where flooding from rivers and the sea is very unlikely. There is less than a 0.1 per cent (1 in 1000) chance of flooding occurring each year.

12.65. Further to the above, Suffolk County Council Flood and Water Management Team raise a holding objection, due to the absence of standard designs of other surface water drainage assets e.g. gullies, permeable paving etc.

12.66. Officers consider that the applicant has demonstrated that an appropriate method of drainage, in principle, can be achieved on site. However those details, as identified by the Flood and Water Management Team, remain outstanding. Officers in this instance, recommend, should Members be minded to approve the application, that authority be delegated to satisfy the outstanding drainage matter in consultation with the SCC Flood and Water Management Team.

12.67. *Land Contamination*

12.68. The application is supported by a Phase 1 Contaminated Land Survey.

12.69. The Councils Environmental Protection Team have reviewed the information and raises no objection to the proposal subject to the imposition of a condition securing details of a scheme of contamination investigation and necessary remediation. Officers concur with the findings of the Environmental Protection Team and consider the proposal is thereby acceptable in this regard, subject to the imposition of the condition as recommended.

12.70. *Archaeology*

12.71. Suffolk County Council Archaeological Service have identified that the site lies within an area of high archaeological potential, as recorded in the County Historic Environment Record. No objections to the proposal are raised, however planning conditions securing a programme of archaeological work are requested.

12.72. Officers concur with the findings of the Archaeological Service and consider the impacts upon archaeological assets are acceptable, subject to the imposition of the conditions as recommended.

12.73. *Trees*

12.74. The site does not contain any trees at present. However, as identified within this report, landscaping and planting is proposed to mitigate the landscape impact of the development.

12.75. *Biodiversity*

12.76. Policy CS5 of the Core Strategy requires development to protect, manage and enhance Mid Suffolk's biodiversity.

12.77. The Councils Ecology Consultant raises no objection to the proposal, subject to the imposition of conditions securing those recommendations as outlined in the submitted ecology report and details of a lighting design scheme. Officers concur with the findings of the Ecology Consultant and consider the proposal is thereby acceptable in this regard, subject to the imposition of the conditions as recommended.

12.78. *Loss of Agricultural Land*

12.79. Policy CL11 of the Local Plan seeks to conserve the districts best and most versatile agricultural land.

12.80. The Agricultural Land Classification of England and Wales provides a framework for classifying land according to the extent to which its physical or chemical characteristics impose long-term limitations on agricultural use. Land is graded on a scale of 1-5, with Grade 1 deemed excellent quality and Grade 5 deemed very poor quality agricultural land.

12.81. The application site is Grade 3 agricultural land. However, in reviewing the agricultural land classifications for Mid Suffolk, the majority of the land within the district is classified as Grades 2 and 3, with limited land in the lower categories. Accordingly, Officers thereby consider there to be limited poorer quality land available that would represent a preferable location.

12.82. Nonetheless, the proposal would give rise to the loss of agricultural land and thus give rise to a degree of harm in this regard. However, Officers consider as the district is predominantly rural in character and that the proposal site comprises a modest parcel of land, it is considered that the loss of this parcel of agricultural will give rise to limited harm.

13. Other Matters

13.1. Affordable Housing Provision

13.2. Altered Policy H4 of the Local Plan seeks an affordable housing provision of 35% of total units.

13.3. Although the proposal comprises 10 units, the development exceeds 1000sqm and thus triggers the requirement for an affordable housing contribution.

13.4. Paragraph 173 of the NPPF states the following:

"To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable development to be deliverable."

13.5. The PPG states that where the deliverability of the development may be compromised by the scale of planning obligations and other costs, a viability assessment may be necessary. This should be informed by the particular circumstances of the site and proposed development in question. A site is viable if the value generated by its development exceeds the costs of developing it and also provides sufficient incentive for the land to come forward and the development to be undertaken.

13.6. Where an applicant is able to demonstrate to the satisfaction of the Local Planning Authority that the planning obligation would cause the development to be unviable, the Local Planning Authority should be flexible in seeking planning obligations.

13.7. In this instance the applicant has submitted evidence which has been assessed by the Council's own viability consultant. It has been demonstrated to the satisfaction of Officers that the scheme cannot be viewed as being viable and deliverable where a requirement for 35% affordable housing is rigidly held. A commuted sum of £34,000 to be payable to MSDC to allow for the provision of off-site affordable housing has been agreed and although contrary to policy, Officers consider the reduction in affordable housing contribution is necessary to ensure that this development is both viable and capable of delivery.

13.8. It is therefore considered that the proposal, with a reduced level of affordable housing, should not be considered as unacceptable in this respect. Officers recommend the affordable housing contribution be secured through a Section 106 legal agreement.

13.9. CIL and Planning Obligations

13.10. 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.

13.11. 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.

13.12. 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

13.13. With particular regard to education provision, Suffolk County Council forecast that there will be no surplus places available at the catchment primary or secondary schools to accommodate children arising from the proposal. CIL funding will therefore be sought.

13.14. 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.

- Primary School Provision - 3 pupils at a Cost of £12,181 per place
- Secondary School Provision, age range 11-16 - 2 pupils at a cost of £18,355 per place
- Secondary School Provision, age range 16+ - 1 pupil at a cost of £19,907 per place

13.15. 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.

PART FOUR – CONCLUSION

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

14.1. 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.

14.2. In this case The Local Planning Authority requested the applicant amend the design of the proposed dwellings, including; the removal of first floor windows in identified elevations as to address issues of potential overlooking of neighbouring properties and changes to proposed materials to secure a more appropriate design. Additionally, the applicant amended the proposed layout as to accommodate a pedestrian link to the existing bridleway.

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

15.1. It is not considered that there will be any adverse Legal Implications for planning consideration should the decision be approved.

15.2. 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.

16. Planning Balance

16.1. 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).

16.2. 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.

16.3. Officers conclude that specific policies do not indicate development should be restricted. Therefore, the proposal should proceed to be determined in accordance with the presumption in favour of sustainable development.

16.4. The NPPF advises that the environmental aspect of sustainability includes contributing to protecting and enhancing our natural, built and historic environment; economic and social gains should be sought jointly and simultaneously with environmental improvement.

16.5. In this case the adverse environmental impact, associated with harm to the landscape arising from the introduction of development to an otherwise undeveloped parcel of agricultural land and loss of agricultural land does not significantly and demonstrably outweigh the benefits of the development, including the 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.

16.6. The application is therefore recommended for approval.

RECOMMENDATION

(1) That the Corporate Manager – Growth & Sustainable Planning be authorised to secure a planning obligation under Section 106 of the Town and Country Planning Act, 1990, to provide:-

- £34,000 for the provision of off-site affordable housing.

(2) Subject to the adequate resolution of outstanding drainage matters, that the Corporate Manager – Growth & Sustainable Planning be authorised to grant planning permission subject to conditions, including: -

- Time limit for commencement (standard)
- Approved plans
- Details of external facing materials
- Proposed levels and finished floor levels details
- Landscape Maintenance Plan
- Scheme of Contamination Investigation
- Hours restriction for noise intrusive works
- Programme of archaeological investigation and post investigation assessment
- Development to be completed in accordance with Ecology Report recommendations
- Lighting design scheme
- Gradient of vehicular access
- Details of estate roads and footpaths
- Construction of carriageways and footways
- Formation of estate roads
- Provision of parking and manoeuvring areas
- Provision of visibility splays

(3) That, in the event of the Planning Obligation referred to in Resolution (1) above not being secured the Corporate Manager – Growth & Sustainable Planning be authorised to refuse Planning Permission, for reason(s) including:-

- Inadequate provision of affordable housing contribution 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.

(4) That, in the event of drainage matters referred to in Resolution (2) are not resolved to the satisfaction of the Corporate Manager – Growth & Sustainable Planning, that authority be delegated to him to refuse planning permission, for the following reason (summarised):

- Inadequate provision of a suitable method of drainage that would give rise to an unacceptable level of flood risk, contrary to the development plan and national planning policy.