

Committee Report

Item No: 1

Reference: DC/17/04113
Case Officer: Rebecca Biggs

Ward: Haughley & Wetherden.

Ward Member/s: Cllr Rachel Eburne.

Description of Development

Outline Planning Application for the erection of 98 dwellings (including 34 affordable homes), provision of a junior football pitch, areas of public open space and off site highway improvements.

Location

Land East Of King George's Field, Green Road, Haughley, IP14 3RA

Parish: Haughley

Site Area: 4.3ha

Conservation Area: n/a

Listed Building: n/a

Received: 08/08/2017

Expiry Date: 08/11/2017

Application Type: OUT - Outline Planning Application

Development Type: Major Small Scale - Dwellings

Environmental Impact Assessment:

Applicant: Ruby Homes (East Anglia) Ltd

Agent: Last & Tricker Partnership

DOCUMENTS SUBMITTED FOR CONSIDERATION

This report refers to drawing number 11 received 08/08/2017 as the defined red line plan with the site shown edged red. Any other drawing showing land edged red whether as part of another document or as a separate plan/drawing has not been accepted or treated as the defined application site.

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

Application Form - Received 08/08/2017

Defined Red Line Plan 11 - Received 08/08/2017

PEDESTRIAN ROUTES PLAN- 10 B - Received 08/08/2017

Site Plan 7 C - Received 08/08/2017

Topographic Survey BBS-BB-EGL-SU-01 A - Received 08/08/2017

Topographic Survey BBS-BB-EGL-SU-02 A - Received 08/08/2017
Topographic Survey BBS-BB-EGL-SU-03 A - Received 08/08/2017
Land Contamination Assessment - Received 08/08/2017
Flood Risk Assessment - Received 08/08/2017
Heritage Statement IMPACT ASSESSEMENT - Received 08/08/2017
Ecological Survey/Report - Received 08/08/2017
Transport Assessment - Received 08/08/2017
Planning Statement - Received 08/08/2017
Statement of Community Involvement - Received 14/08/2017
LANDSCAPE STRATEGY- LSDP11552-01 A - Received 08/08/2017
GEOPHYSICAL ASSESSMENT - Received 08/08/2017
DRAINAGE SURVEY REPORT - Received 09/10/2017
LETTERS FROM AGENT - Received
LETTERS FROM HERITAGE CONSULTANT - Received

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

PART ONE – REASON FOR REFERENCE TO COMMITTEE

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

It is a “Major” application for:

- a residential development for 15 or more dwellings

PART TWO – APPLICATION BACKGROUND

History

There is no relevant planning history.

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
CS03 - Reduce Contributions to Climate Change
CS04 - Adapting to Climate Change
CS05 - Mid Suffolk's Environment
CS06 - Services and Infrastructure
GP01 - Design and layout of development
H04- Altered Policy H4
H07 - Restricting housing development unrelated to needs of countryside
H13 - Design and layout of housing development
H14 - A range of house types to meet different accommodation needs
H15 - Development to reflect local characteristics
H16 - Protecting existing residential amenity
H17 - Keeping residential development away from pollution
HB01 - Protection of historic buildings
HB08 - Safeguarding the character of conservation areas
HB13 - Protecting Ancient Monuments
HB14 - Ensuring archaeological remains are not destroyed
T09 - Parking Standards
T10 - Highway Considerations in Development
CL08 - Protecting wildlife habitats
Haughley Neighbourhood Plan
Haughley Conservation Area

List of other relevant legislation

- Human Rights Act 1998
- Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990
- Natural Environment and Rural Communities (NERC) Act 2006 (any rural site)
- The Conservation of Habitats and Species Regulations 2010
- Localism Act
- Consideration has been given to the provisions of Section 17 of the Crime and Disorder Act, 1998, in the assessment of this application but the proposal does not raise any significant issues.

Details of Previous Committee / Resolutions and any member site visit

N/A

Details of any Pre Application Advice

Pre-application advice was sought prior to the submission of the application which was generally supportive of the development.

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

Haughley Parish Clerk

Haughley Parish Council Support the development. This is contingent on;

- a) Ensuring the provision of sufficient school and pre-school places in accordance with SCC guidance. The Parish believe the numbers of children expected will exceed the capacity at the Primary School. In addition there is no purpose built facility for pre-school. To resolve the issues a new build will be required,
- b) Providing paved footpaths with lighting to link with the current paved footpath to the south of the playing field. Consideration should be given to improving the footpath around all of the playing field.
- c) Implementing more robust measures to slow and warn traffic. This is by means of a VAS/SID sign and pedestrian crossing.

Main concerns of parishioners are the capacity of the primary school and the safety of children with the increase in traffic.

Heritage Team

Response is outstanding and will be presented to Development Committee as a late paper. The Officer has undertaken discussions with the Heritage Team.

Historic England

Historic England advise that the application proposes development on a field on the eastern side of Haughley which makes a positive contribution to the setting of the conservation area and Haughley Castle. They consider this would harm the significance of these heritage assets and they object to the application.

They consider that the application does not meet the requirements of the NPPF, in particular paragraphs 6, 7, 14, 17, 132 and 134. They advise that if the Local Planning Authority proposes to determine the application in its current form they wish to be advised of the Committee date and sent a copy of the report. If minded to approve the Authority should treat their letter as a request to notify the Secretary of State.

Natural England

No comment.

SCC - Highways

The mitigation proposals regarding highways outlined in the Transport Assessment are acceptable provided the parish council are willing to manage the proposed VMS as part of the community speed watch and that the pedestrian and footpath links to the King George's Field are deliverable.

SCC Highways raise points regarding the indicative layout and parking, road layout and future links. They recommend conditions regarding details of footways and carriageways, secure parking areas, secure visibility splays, construction management plan, and Residents Travel Pack.

They also set out highways improvements to be included within the S106 agreement. This includes contribution to create Traffic Regulation Order, deliver zebra crossing, Travel Plan, Improvements to Public Footpath 26 and Public Transport Improvements.

NHS England (50+ Dwellings/C2/Care Or Nursing Homes)

There is one GP practice within a 3km radius of the proposed development. This practice does not have sufficient capacity for the additional growth resulting from this development and known cumulative development growth in the area. A developer contribution via CIL processes towards the capital funding to increase capacity within the GP Catchment Area would be sought to mitigate the impact.

Anglian Water

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout. Recommend the inclusion of a note.

The Haughley Water Recycling Centre that will have available capacity for these flows. The surface water strategy/flood risk assessment relevant to Anglian Water is unacceptable.

Recommend that the applicant consult with Anglian Water and the Lead Local Flood Authority. Request a condition requiring a drainage strategy.

SCC - Fire & Rescue

SCC Fire and Rescue set out the building regulation requirements and recommend that fire hydrants be installed. The quantity of hydrants should be secured through condition.

SCC - Flood & Water Management

SCC Floods recommend a holding objection. The applicant has failed to follow the national design criteria for the surface water drainage system and has applied climate change to the 30 year rainfall event. It is not apparent whether the discharge point from the watercourse is free flowing and question the greenfield run-off rate. Set out additional action points to overcome current objection.

Additional information has been received. SCC Flood advised that they believe there is a viable drainage scheme. The final consultation response from SCC Flood is outstanding. This will be provided as a late paper.

SCC - Corporate S106 And Education

Suffolk County Council's Development Management Contributions sets out the infrastructure items which will be covered by the Community Infrastructure Levy.

The County Council considers that it is a matter for the District to balance the need for the release of new housing sites with the risks associated with the emergence of a less sustainable pattern of school provision.

Based on existing forecasts SCC will have about 20 surplus places available at the catchment primary school but no surplus places available at the catchment secondary school. There is also currently a deficit of 12 places in pre-school. Contributions will be sought through CIL funding bid for education and libraries.

Arboricultural Officer

It seems unlikely that there will be any significant conflict between the development and the boundary trees and hedgerows. Protective fencing will be required in order to prevent damage and loss. This should be illustrated on a tree protection plan accompanying the application.

Environmental Health - Land Contamination

No objection and recommend that a condition regarding investigating land contamination be attached to any planning permission.

Environmental Health - Noise/Odour/Light/Smoke

No objection

Environmental Health - Sustainability Issues

No objection from a sustainability point of view. Recommend a condition to secure sustainable construction methods and environmentally friendly buildings.

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

No response received.

Officer note- the application provides 35% affordable units in accordance with altered policy H4.

Ecology - Place Services

No objection subject to conditions to secure ecological mitigation measures and reasonable biodiversity enhancements.

Landscape - Place Services

The proposal will have minimal impact on the countryside setting of the surrounding landscape. The main development constraint is the requirement to retain the natural landscape character and appearance and mitigate the impact on the outward facing rural setting.

Recommend

1. A Landscape and Visual Impact Assessment is produced to inform the future layout.
2. A detailed landscape master plan to indicate soft landscape, planting locations and how the proposal will mitigate the visual impact
3. Boundary planting plan
4. Recommend footpath access westward
5. Consideration of soft landscaping and outline shapes of open spaces.

Highways England

No objection.

SCC - Archaeological Service

This site lies in an area of archaeological potential recorded on the County Historic Environment Record. A post-medieval corn mill is recorded within the site itself however records suggest this was demolished during the 20th Century. The development is situated outside of the historic settlement of Haughley and to the east of Haughley Castle a Scheduled Ancient Monument. A medieval mere is also recorded immediately north. As a result there high potential for the discovery of below-ground heritage assets of archaeological importance. A geophysical survey has been undertaken however the results need 'ground-truthing' through archaeological evaluation. Recommend the standard archaeological conditions.

B: Representations

Summary of letters of Support

- * Village has been overlooked for housing and has stagnated whilst other villages receive more housing than most.
 - * Only 32 properties have been built in Haughley in the last ten years
 - * Support Post Office, school, businesses and other village organisations
 - * Support the local economy
 - * Provide a mix of housing for villagers and their families who have had to leave Haughley due to a lack of housing provision
 - * Do not wish to develop towards or join Stowmarket
 - * Roads are at 25% of their capacity and there will be no more traffic than a few years ago when this was reduced by moving of the A14
 - * Highways improvements and zebra crossing will increase safety
 - * Adequate parking
 - * Increased footpath connectivity will help integrate into village
 - * The capacity of the school is stated as being easily able to take more pupils and Haughley is merging as an Academy with other schools for freeing up more places.
 - * Sufficient infrastructure to support this development and provides community benefits.
 - * Need to think of the bigger picture and focus on positive impacts new housing will bring
 - * There is a housing shortage, high house prices and lack of appropriate housing for retired generations
 - * The housing proposal will go some way to achieving a greater range of housing that's more socially inclusive
 - * Will support the future of the School
 - * Low intensity agricultural and proposes improved ecological measures and green buffer zones.
 - * Does not impact on the historic conservation area
 - * Would like to see Haughley Castle be made into more of a feature
 - * Haughley Castle is some distance from development and is shielded/obscured by trees and the sport pavilion
 - * Development has been allowed around the Castle (Bungalow on Haughley Mere)
 - * The site had numerous buildings which have since been demolished
 - * Will support population growth and in turn it will be rewarded with a more socially inclusive and self-sufficient thriving village
 - * Footpath 52 does not cross this development
 - * Existing footpaths through the playing field have been sited as ideal for pedestrian access to the village.
- Is there an offer to improve or upgrade the footpaths?
- * Ditches of the development are not blocked.
 - * Haughley is a sustainable village

Summary of Objections

- * Outside the areas deemed suitable by the Council for future development
 - * Identified in the SHELAA as not suitable
 - * Important to ensure new dwellings are constructed in the correct location
 - * Potential for 300-400 additional traffic movements along a busy road
 - * Concern regarding capacity of sewage treatment works
 - * Concern regarding site entrance and visibility with several blind bends
 - * Surface drainage is a further concern; the area is already subject to flooding given heavy rain
 - * Whilst this site is outside the Conservation Area the additional traffic would destroy what is left of a damaged village
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- * Do not dispute need for housing but they should be coherent, thoughtful and mindful of the context, setting and curtilage as well as the long-term planning strategy.
 - * Development is developer-led and not part of the Joint Local Plan. Should be assessed against a Local Plan.
 - * Insufficient analysis of age-related needs and composition breakdown with regard to housing developed within the proposal.
 - * Primary School does not have the capacity for expansion
 - * A Travel Plan is require due to the volume of traffic.
 - * Dangerous bends and no footpath on Green Road
 - * Question the greenfield run-off rate
 - * Inadequate formal play space
 - * Compromise and impact the historic character of Haughley
 - * Vital to preserve historic environment
 - * Too many houses for the site
 - * Concern regarding increased traffic volume and exacerbating existing problems
 - * Increase in traffic through village to A14
 - * There have been several accidents
 - * No connecting path with Green Road for easy access to the facilities in Haughley which will increase traffic in the village with limited parking spaces
 - * Traffic speed along this road
 - * Extending speed limits may sound promising but they do nothing to counter the problems with volume of traffic
 - * School has limited parking spaces
 - * Concern regarding highway safety and safety for pedestrians.
 - * Conservation Area Appraisal falls short and needs to be reviewed
 - * Not appropriate to build on a site that would substantially harm a designated heritage asset and the close environment. The Heritage Report is inadequate.
 - * Church is 220m away and it would be criminal to irrevocably alter this special environment when there is no coherent long-term plan for the village's development.
 - * Bias in the planning application documents regarding questionnaire to residents and no comparison with other possible housing sites in other locations.
 - * Existing dykes do not drain well and the developer should be obliged to make all necessary improvements
 - * Density is inappropriate due to site access
 - * Consultation documents only focus on this development
 - * Questions on density and highways should not be looked at in isolation because what may work
 - * Disappointed with timing of submission of application when many resident's are away
 - * The wrong time and wrong place.
 - * Neighbourhood Plan have not been finalised and not continuing the tradition of phased modest developments which have resulted in a compact village shape well related to the historic core.
 - * Best location is The Folly behind The Lord of the Manors that would centralise the village, give access to Stowmarket without causing traffic problems.
 - * Following an approach from a number of local residents, the Suffolk Preservation Society object on the grounds it will erode the rural setting of Haughley Castle and Conservation Area.
 - * Intrusive interjection into the countryside and relates poorly to the settlement edge
 - * Harm the existing sense of place engendered by this historic landscape
 - * Policy CS5 in the Local Plan should be afforded significant weight following Supreme Court Judgement (Suffolk Coastal DC v Hopkins Home Ltd).
 - * Disagree with the Heritage Assessment that the overgrown condition of the monument and the lack of public access are not relevant to the measure of heritage impact. The setting makes an important contribution to the significance of the scheduled monument as confirmed by Historic England.
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* Benefits of development need to be weighed against the sensitive countryside location.

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 site comprises an agricultural field (grade 3) located to the east of the King George V Playing field and to the north of the modern residential estates, Castle Rise and Church View. The site is on the northern edge of Haughley village and is rectangular in shape. The site is enclosed by mature trees to the southern, western and eastern boundaries with hedgerow to the northern boundary along Green Road (Bacton Road).

1.2. The site is located in the countryside outside of the settlement boundary and conservation area of Haughley. To the west of the site, beyond the playing field and on the opposite side of Green Road is Haughley Castle, a Scheduled Monument. A former Mill is noted to have been on site and demolished in the 20th Century.

1.3. The site is located in Flood Zone One and formerly had a number of agricultural buildings located to the northern end of the site. Part of the northern section of the site is identified as potentially contaminated due to a historic use as a Chemical Manure Works. The southern section of the site is allocated under the Mid Suffolk Local Plan 1998 as a future school site (proposal 25).

2. The Proposal

2.1. The proposal is for outline permission for 98 dwellings, 34 of which will be affordable housing. Access will be obtained from Green Road with pedestrian links west onto the existing footpath within the King George V Playing Field. The appearance, scale, layout and landscaping will be secured as part of the Reserved Matters.

2.2. The proposal includes open space along with a junior football pitch to add to the adjacent playing field. Also proposed is the extension of the 30mph zone, a VAS sign, and a zebra crossing outside the primary school.

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.

3.2. 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.

Para 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 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 protected wildlife

Para 123: Planning and noise.

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. The following parts of the Core Strategy Focused Review 2012 are considered to be applicable to this scheme:

FC1 - Presumption in favour of sustainable development.

FC1.1 - Mid Suffolk's approach to delivering sustainable development

FC2 - Provision and distribution of housing.

4.2. The following parts of the Core Strategy 2008 are considered to be applicable to this scheme:

- 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

5. Neighbourhood Plan/Supplementary Planning Documents

5.1. The Neighbourhood Plan is currently being prepared. Mid Suffolk District Council confirmed the designated Neighbour Development Plan Area on 11 November 2015.

5.2. The Joint Local Plan is undergoing the initial issues and options consultations.

6. Saved Policies in the Local Plans

6.1. The following parts of the Mid Suffolk Local Plan 1998 are considered to be applicable to this scheme:

- GP01 - Design and layout of development
- SB02 - Development appropriate to its setting
- HB01 - Protection of historic buildings
- HB08 - Safeguarding the character of conservation areas
- HB13- Scheduled Ancient Monuments
- HB14 - Ensuring archaeological remains are not destroyed
- H07 - Restricting Housing Development unrelated to the needs of the countryside
- H04- Altered Policy H4
- H13 - Design and layout of housing development
- H14 - A range of house types to meet different accommodation needs
- 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

7. The Principle Of Development

7.1. 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 should be available, suitable, achievable and viable. The Annual Monitoring Review published June this year identifies that MSDC has 3.9 year supply for housing.

7.2. 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 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.

7.3. The Supreme Court gave judgment in a case involving Suffolk Coastal District Council (Suffolk Coastal District Council v Hopkins Homes Ltd and Richborough Estates Partnership LLP v Cheshire East Borough Council [2017] UKSC 37) which has clarified the meaning of 'relevant policies'. The Supreme Court ruled that a "narrow" interpretation of this phrase is correct; meaning policies identifying the numbers and location of housing, rather than the "wider" definition which adds policies which have the indirect effect of restricting the supply of housing. However, the Supreme Court made it clear that 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 the relevant development plan policies, whether they are policies for the supply of housing or restrictive 'counterpart' policies such as countryside protection policies.

7.4. 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. There is also a presumption in favour of sustainable development which is to be applied as set out in paragraph 14 of the NPPF.

7.5. Paragraph 7 of the NPPF sets out three dimensions for sustainable development, as economic, social, and environmental. Development should enhance all three dimensions simultaneously.

7.6. In the summer of 2016 Mid Suffolk District Council approved the commencement of the preparation of a new Joint Local Plan across both Mid Suffolk and Babergh District Council. This has accumulated in several evidence-based documents in respect of needs and capacity such as the Strategic Housing Market Assessment (SHMA) and a draft Strategic Housing and Employment Land Availability Assessment (SHELAA). The draft SHELAA identifies the site within a large parcel of land known as SS0004- Land to the south of Bacton Road, Haughley. This site has been excluded from the potential list of sites for housing allocations as the site is not deemed suitable for development due to its detached location and poor connectivity from the existing settlement.

7.7. The Babergh & Mid Suffolk Joint Local Plan Consultation Document (July 2017) has recently been approved. This site is not identified within the document as a possible land allocation. At the present time, this consultation document carries very limited weight as a material consideration.

7.8. Concern has been raised that determining this application would prejudice the plan-making process and undermine the new Local Plan. National Planning Practice Guidance (Paragraph: 014 Reference ID: 21b-014-20140306) states that refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination. Where planning permission is

refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process. The Joint Local Plan is in its infancy and is going through public consultation. The Local Authority has a duty to determine this application. The decisions taken by committee will likely influence the plan-making process, but will not prejudice it because it is at such an early stage. The plan process will react to the decisions taken. This application must be considered on its own merits.

7.9. In light of all the above, this report will consider the proposal against the policies of the development plan to determine if the development is in accordance with the development plan as a whole. If it is not, and there are policy conflicts, they will need to be weighed against other material considerations to see whether a decision which does not accord with the development plan is warranted, in the light of the presumption in favour of sustainable development, and in the context of the authority not being able to demonstrate a 5-year land supply.

8. Sustainability Assessment Of Proposal

8.1. 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."

8.2. Concern has been raised regarding the location of the site outside of the designated settlement boundary and being contrary to saved policies. However, 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, FC2 of the Core Strategy Focused Review, along with policy H7 of the Local Plan, should not be considered up-to-date.

8.3. Refusing the application solely based on the development being outside the development limits of Haughley, other preferred sites in Haughley, or seeking to limit the development that can be considered, would not accord with the requirements of the NPPF that look to consider the sustainability of the development in relation to the environmental, social, and economic roles of sustainability. Furthermore, the lack of a five-year land supply for housing means that a restriction on the amount of new housing in any part of the district cannot be given until the shortfall in completions is made up to the 5-year level.

8.4. The contents of paragraph 55 of the NPPF is also considered to be material in the making of a decision on this case. Paragraph 55 of the NPPF sets out 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 in one village may support services in a village nearby.

8.5. The application site is not in an isolated location as it is adjacent to the built-up part of the village, close to the school, playing field, and facilities in Haughley; and the scheme will include affordable housing units, open space and other contributions which will be of some benefit to the residents of Haughley and the surrounding villages. Therefore, in terms of paragraph 55 of the NPPF, this proposal

could be considered to promote sustainable development in a rural area. However, having regard 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 or not will be given in the conclusion to this report.

8.6. Additional comments have been received stating that the Council should delay the determination of this application until the Council adopt a new local plan and has established its stance on the location of new housing in the district. However, national policy, as contained in the NPPF, does not give the Council either of these options and requires all applications to be determined promptly and in accordance with the development plan unless there are other material considerations which state otherwise.

8.7. As stated above, the Council cannot demonstrate a five-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 the NPPF as a whole which defines what sustainable development is and how decisions should be made.

8.8. Haughley has a Primary School which would form the catchment school for this development. Suffolk County Council identify that the Primary School, Secondary School and pre-school will require additional funding to facilitate the increase in pupils arising from these developments.

8.9. The Local Planning Authority adopted the Community Infrastructure Levy in 2016. The Regulation 123 list includes the open space, the provision of additional school places and healthcare provision. As such SCC advise that contributions from the District Council's CIL monies will be sought to help fund the additional capacity at the schools and primary school. SCC has not raised an objection to the potential loss of an allocated school site.

8.10. The NHS advised that the catchment practice does not have sufficient capacity for the additional growth resulting from this development and known cumulative development growth in the area. Therefore, a developer contribution, via CIL processes, towards the capital funding to increase capacity within the GP Catchment Area would be sought to mitigate the impact.

8.11. The NHS state that the developments are not of a size and nature that would attract a specific Section 106 planning obligation. Therefore, a proportion of the required funding for the provision of increased capacity and range of services within the existing healthcare premises servicing the residents of this development, by way of reconfiguration, refurbishment, or extension, would be sought from the CIL contributions collected by the District Council.

8.12. 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.

8.13. The settlement of Haughley is one of the twelve villages in the district of Mid Suffolk which have been designated as a Key Service Centre. There are bus services connecting Haughley with Woolpit, Elmswell Thurston, Stowmarket and Bury St Edmunds. The bus stop is less than 300m from the application site. This provides a viable opportunity for residents to commute to other settlements for onward rail travel, and employment uses. As such, there is the opportunity for residents to choose more sustainable modes of transport.

8.14. The site is within walking distance of Haughley's facilities including the shop, primary school and post office. Due to the proximity of this site to these facilities it is highly likely that future residents of this development would support the existing infrastructure and businesses in Haughley.

8.15. In relation to paragraph 7 of the NPPF, the proposal 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 24 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 in the district and by having the potential to create a high quality built environment, as well as contributions towards affordable housing, and other social infrastructure (public open space, education, health care) through a CIL contribution.

8.16. Consideration of whether this proposal is considered to constitute sustainable development, having regard to the contents of policies FC1 and FC1.1 of the Adopted Core Strategy Focused Review and the contents of the NPPF will be reached in the conclusion to this report.

9. Site Access, Parking And Highway Safety Considerations

9.1. Policy T10 of the Mid Suffolk District Local Plan requires vehicular access 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 complies with paragraph 32 of the NPPF which requires all schemes to provide safe access for all.

9.2. Residents object to the scheme, advising that the development would lead to an increase in congestion, on-street parking, and traffic in Haughley which is already an issue.

9.3. Green Road is a busy road providing a northern route out of Haughley and southern route into the historic core of Haughley and towards the A14. Representations made to this application identify that the road is busy, with bends, and often experience speeding traffic. Residents raise concern that the development will increase the volume of traffic and cause harm to pedestrian safety, especially for children walking to school. Concern has also been raised that the development does not provide a footway along Green Road.

9.4. There is no footway provision along Green Road beside the playing field boundary. However there is an existing pedestrian footway (not adopted) down the eastern edge of the playing field linking the pavilion with the southern end of the playing field. This footway then forks west connecting with Green Road and the primary school opposite, and south onto Church View connecting with another footway which leads into the historic core of Haughley.

9.5. The indicative layout provides connections between the site onto the existing footway connection through the playing field and linking to the footways on Castle Rise. There is a direct pedestrian connection with the facilities of Haughley. Given the possible connections onto the playing field, Castle Rise and Church View it is deemed possible to integrate the site with the village. Additionally, these footway connections will allow residents to walk to the facilities of Haughley and support the existing businesses and rural vitality.

9.6. Given the proximity of these services and the limited capability of parking in the centre of Haughley it is highly likely residents will walk to the facilities rather than drive to them.

9.7. A Transport Assessment has been submitted with the application which considered the bus service, pedestrian and cycle connections and road network capacity and safety. The Assessment identifies that the required visibility splays can be achieved when the new kerbed access point is created. It also identifies that the roads are operating below their desirable capacity and suitable for the additional traffic. Additionally, the random nature of the road traffic incidents does not suggest an underlying accident problem.

9.8. The Transport Assessment additionally states it is proposed to fund a Traffic Regulation Order to move the existing 30mph speed limit terminal to the east to incorporate the site frontage. The developer is also willing to fund a single VAS and pole to Haughley Parish Council and provide a new zebra crossing together with widening of the footway as the pedestrian landing and waiting area for the crossing. These measures will be secured through the Section 106 Agreement.

9.9. Suffolk County Council as the Local Highways Authority (LHA) has not objected to the proposed development. They advise that the agreement for the VAS should be sought with Haughley Parish Council and agreement to connect to the existing footway connection through the playing field. These matters will be secured through planning condition and the S106 Agreement. As the development is providing additional facilities for the playing field it is likely that these footway connections can be achieved.

9.10. Paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. This is interpreted as referring to matters of highway capacity and congestion, as opposed to matters of highway safety. The courts have held that paragraph 32 should not be interpreted to mean that anything other than a severe impact on highway safety would be acceptable (*Mayowa-Emmanuel v Royal Borough of Greenwich* [2015] EWHC 4076 (Admin)).

9.11. In this instance, having regard to the LHA's response the road network is considered suitable to cope with the increase traffic. The development would not significantly change in the character of the surrounding highway and therefore would not have a severe impact on local road users.

9.12. The internal layout of the site is currently indicative only, and the opportunity would exist at reserved matters stage to design the layout to meet the necessary highways standards. Due to the size of the site and the number of dwellings proposed (98) there is scope to provide a residential development with the necessary road, footway, turning areas and parking spaces.

9.13. The proposed development sits north of existing residential estates which have turning heads suitable for pedestrian connectivity. The Manual for Streets identifies that cul-de-sacs should be avoided as they do not allow development to integrate well with the surrounding area and surrogate existing and new development.

9.14. Additionally, the Suffolk Design Guide allows up to 150 dwellings by one single means of access. Minor access roads serving more than 50 dwellings should normally be through-roads or looped. Cul-de-sac serving such numbers must have a footpath link with other roads that might be used.

9.15. It is desirable therefore to connect the application site, by footway, with the residential estates to the south to provide an integrated and 'joined-up' approach. An integrated and coherent layout can be agreed as part of the Reserved Matters.

9.16 Having regards to the highway impacts of the scheme, when considered in line with the requirements of paragraphs 21 and 32 of the NPPF 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.

10. Design And Layout

10.1. Paragraph 56 of the NPPF 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 and create a strong sense of place. 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 stifling 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.

10.2. The submitted plan provides an indicative layout of how the site could be developed should this outline planning application be approved. This site does extend the built footprint of the village northwards into the surrounding open countryside as the fields that surround it are currently undeveloped. However, this development will to some degree form a continuation to the existing housing estate to the south.

10.3. The indicative layout provides a road connection from Green Road and provides cul-de-sacs branching of the main spine road. Houses will front the new road and the layout allows for a clear street hierarchy. The proposal retains the existing field boundary which provide reduces the visual impact of the development. The positioning of the open space provision should be considered to create better internal views and assist in creating an acceptable relationship with the surrounding countryside.

10.4. The density of the site at 23 dwellings per hectare is also low and is not considered to be out of keeping with the existing dwellings in the surrounding locality. It will also provide open space to the benefit of residents. This provides informal play areas, places to meet, and green spaces. Attenuation

basins will be provided to the southern boundary and south-eastern corner. The ground naturally slopes southward towards the village.

10.5. The Council's Sustainability Officer has recommended a condition to secure environmental and sustainability measures will be used throughout the scheme. Strategic Objective 8 (S08) sets out the Planning Authority's objective to meet the requirement set by the Regional Spatial Strategy. The Regional Spatial Strategy is now defunct being abolished in 2010. Policy CS3 also makes references to an obsolete standard Code for Sustainable Homes. New building regulations replaced the Code for Sustainable Homes. However, in the interest enhancing environmental gains and moving towards a low carbon future; these measures should be secured by way of a condition.

10.6. It is agreed that the site does project into the surrounding countryside but the development the impact will be reduce by relating to the existing properties to the south and incorporating the existing boundary trees and hedgerow into the final layout. There is scope to improve the internal views and overall design of the development. Having regards to the above, it is considered that the scheme in terms of its suggested layout is acceptable in line with the requirements of the NPPF and local policy CS5.

11. Landscape Impact

11.1. 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.

11.2. Objections have been received to this proposal on the landscape impact. Representations consider that the approval of this scheme will erode the intrinsic beauty and the character of the surrounding open countryside.

11.3. The Council's Landscape Consultant was consulted and advises that the development is likely to have a minimal impact on the countryside and setting of the surrounding landscape. The Consultant states that the Landscape Strategy submitted with the application demonstrates an effort to create suitable setting for the residential development to merge into its greater setting. The proposed tree planting provides adequate screening/separating between housing densities.

11.4. The main development constraint is to retain the natural landscape character and appearance and mitigate the outward facing rural setting. The Council's Landscape Officer sets out key recommendations to provide a Landscape and Visual Impact Assessment to inform the future development layout and should focus on the gateway into the village, impact on residential streets to the south of the site and long view toward the site from the north and east. A Landscape Master Plan should be produced along with planting and boundary plan. These should be submitted alongside any reserved matters application.

11.5. The development will result in the loss of arable land impacting wider countryside views. Provided the existing boundary is retained and reinforced with additional planting, the development will not significantly harm the surrounding open countryside and will assimilate with the existing rural edge of Haughley and the adjacent playing field.

11.6. It should be noted that this site is not designated as a Visually Important Open Space nor is it designated Green Belt Land.

11.7. Having regards to the requirements of policy H13 of the MSDC Local Plan and paragraph 58 of the NPPF, it is considered that the scheme can provide suitable screen landscaping both within and on the boundaries of the site to ensure that it assimilates well into the rural edge of Haughley and provides an attractive environment both for the new residents of the site and existing residents of Haughley.

12. Environmental Impacts - Trees, Ecology And Land Contamination

12.1. The application is grade 3 agricultural land with mature tree and hedgerow boundaries. The Tree Officer raises no objection but advises that a Tree Protection Plan should be secured.

12.2. Paragraph 112 of the NPPF states that local authorities should take into account the economic and other benefits of the best and most versatile agricultural land when making planning decisions. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use poorer quality land in preference to that of higher quality land. Agricultural land is split into categories with land defined as 3a up to 1 being best and most versatile land and grades 3b down to 5 not being defined as best and most versatile land. Paragraph 112 does not preclude the development of land classified as best and most versatile agricultural land; it requires local authorities in making decisions to take account of the economic and other benefit of the best and most versatile agricultural land. The NPPF states that where significant development is proposed, local authorities should seek to use areas of poorer quality land in preference to the higher quality land.

12.3. Most of the agricultural land classifications for Mid Suffolk is classified as 2 and 3 with very little land in the lower categories. The application site is a grade 3 agricultural parcel of land which is currently vacant. As the district is predominantly rural in character it is not considered that the loss of this parcel of land (4.3ha) will have a significantly negative impact on agriculture and specifically food production, or on the local economy.

12.4. The Council's Contaminated Land Officer has been consulted on this scheme and has reviewed the documentation submitted by the applicant. Paragraph 121 of the NPPF makes it clear that planning decisions should make sure that the site is suitable for its new use taking account of the hazards of any previous use. The Contaminated Land Officer has not raised any objections to the scheme subject to the imposition of conditions regarding investigations.

12.5. Having regards to the above it is considered that the proposal will have an acceptable impact on existing trees. It also is considered suitable for development in terms of contaminated land and complies with the requirements of paragraph 112 of the NPPF in terms of agricultural land.

13. Heritage Issues

13.1. Both the NPPF and Core Strategy place significant emphasis on safeguarding heritage as an important component of sustainable development.

13.2. With reference to the treatment of the submitted application, the Council embraces its statutory duties and responsibilities in relation to listed buildings, notably the general duties under sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires the local planning authority to have "special regard to the desirability of preserving [a] building or its setting or any features of special architectural or historic interest which it possesses".

13.3. Recent case law on the application of the statutory duty acknowledges that the consideration of the impact of a proposed development on the significance of a designated heritage asset is a matter for its own planning judgement, but that the Local Planning Authority is required to give any such harm considerable importance and weight. However, where special regard to the desirability of preserving heritage assets has been paid and no harm is considered to be posed, the 'balancing' of harm (which should be given considerable weight as above) against public benefits as required by the NPPF, is not engaged.

13.4. Policy HB1 (Protection of Historic Buildings) and HB13 (Protect Ancient Monuments) places a high priority on the protection of the character and appearance of ancient monuments and historic buildings, including their setting.

13.5. 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."

13.6 As stated above the Housing Supply Policies should be considered out of date and as such the tilted balance of paragraph 14 is engaged. Paragraph 14 sets out where the development plan is absent, silent, or relevant policies are out of date, granting permission unless:

- a) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- b) Specific policies in this Framework indicate development should be restricted. As noted in footnote 9 of the NPPF, policies relating to designated heritage assets fall within the definition of specific policies.

13.7. Objections have been received to this scheme by members of the local community on the basis that the proposal is harmful to the setting of Listed Buildings, Scheduled Monument and the Conservation Area of Haughley.

13.8. Historic England advise that the application proposes development on a field on the eastern side of Haughley which makes a positive contribution to the setting of the Conservation Area and Haughley Castle. They consider this would harm the significance of these heritage assets and they object to the application.

13.9. The application site forms an agricultural field separated from Haughley Castle (a Scheduled Monument) by Green Road (Bacton Road), the playing field including the play area, bowling green and

pavilion building. Historic England advises that this road appears to follow the line of the bailey of Haughley Castle. The Haughley Conservation Area Appraisal also identifies that the line of the large outer bailey contains most of the eastern half of the historic settlement and can still be detected in the curved street pattern of The Folly and Bacton Road to the south and east of the mound respectively.

13.10. Haughley Castle was constructed in the 11th Century as a motte and bailey castle with the bailey extending to the south. The Castle was destroyed in 1173 and the site abandoned. The castle is overgrown and not accessible to the public. As Historic England state it is still the sole element of the settlement on the northern edge of Haughley with open fields to the east with the exception of the pavilion.

13.11. Historic England advise that the as the castle originated on the northern edge of the village with no development to its east this open green character remains important to an understanding of its historic significance. The application site and playing field maintain the agricultural character of the edge of the village and conservation area. In their view as the site has not previously been developed it contributes to the historic significance of Haughley Castle and the Conservation Area including the listed buildings within it. Historic England considers the loss of the open green character of the site will result in harm to the significance of these designated heritage assets.

13.12. A historical map dated 1885 indicates that the application site was previously developed with Mere Mill, an engine house and Chemical Manure Works. The Mere Mill is recorded as being burnt down in 1900. The position of the former Mill is noted in the Haughley Conservation Area Appraisal. The northern section of the site is identified as being potentially contaminated from the Chemical Manure Works. Further maps from 1968 shows a number of buildings to the north named Mill House which included a piggery. By the 1990s the site appears to have been cleared of buildings. As such this land has been developed to the north but subsequently cleared. It is also worth noting that the southern part of the site is allocated for a new primary school under the Mid Suffolk Local Plan 1998.

13.13. The site is separated from the designated Conservation Area by the 1980s development which forms Castle Rise and Church View along with the playing field to the west of the site. The Conservation Area Appraisal identifies that “apart from the loop at the western end formed by Duke Street and The Folly, Haughley is for the most part a linear village with one plot deep development either side of The Green and Old Street to its east. A modern estate behind Old Street (Castle Rise and Church View) on the northern side has changed this, but the overriding impression is still that the countryside is never far away. The very centre around the cross-roads has a slight urban feel, but the footpath through the churchyard (FP43) brings you to a field adjoining the castle site very quickly”.

13.14. It is accepted that the historic core of Haughley is predominately on an east-west axis with the Church and Castle located to the western end. Modern development has extended eastward and southward from this identified historic core of Haughley. The development of this site would extend the village northward which is uncharacteristic. However, it will visually and functionally connect with the modern 1980s expansion of Haughley on land identified as school land.

13.15. The modern development south of the site has essentially severed the Conservation Area of Haughley from the countryside. As such the application site provides minimal contribution to the setting of the Conservation Area. Open agricultural land which sweeps around Haughley Castle and the Folly, and

directly abuts the Conservation Area is considered to predominately contribute to the impression of countryside being nearby and the rural setting of the Conservation Area; more than the application site does. The Conservation Area also does not identify that this site provides important vistas into the village,

13.16. This development will however alter the character of the village given its projection northward. However, with careful consideration of the landscape, layout, appearance and scale of development the visual impact can be minimised and a suitable rural edge created. The playing field also provides a buffer zone between this site and the Conservation Area. The playing field is an important visual open space to Haughley.

13.17. Haughley Castle is not visible from the site and development of this land will not impinge on views of the Castle. It is understood, from case law, that visual connections are not essential and determinative of identifying the setting. However as identified by the Applicant's Heritage Consultant, the sense of openness or spaciousness of the Castle would not be significantly lost on the northeast side because of the presence of the recreation ground but this openness of the Scheduled Monument would also remain entirely intact to the north and northwest (i.e. around Castle Farm).

13.18. Historic England guidance regarding setting of heritage assets states that the NPPF makes it clear that the setting of a heritage asset is the surroundings in which a heritage asset is experienced and is not fixed. It is also not reliant on public access and the appreciation of the asset's significance may increase once it is interpreted or mediated in some way. Settings of heritage assets which closely resemble the setting in which the asset was constructed are likely to contribute to the significance of the heritage asset. In primary legislation the setting of conservation areas is not a statutory duty. However the NPPF states that the setting of a designated heritage asset can contribute to its significance.

13.19. The application site once had a number of buildings which have since been removed. The site would most likely have been undeveloped arable land when the village of Haughley was constructed. However, the playing field has since been developed from agricultural land to a bowling green, pavilion building and play facilities. Additionally modern development to the south has severed this rural land from the conservation area and listed buildings.

13.20. Nevertheless, the substitution of extensive housing for open farmland would further erode the proximity of the countryside from the Conservation Area and the Listed Buildings within it. However it is not considered to significantly harm the significance of the Conservation Area, Scheduled Monument and Listed Buildings.

13.21. Historic England identify that the development will harm heritage assets however they do not identify whether this is substantial harm or less than substantial harm. Historic England does state that the benefits of the development should be considered against the harm as required paragraph 134 of the NPPF. This implies they consider the development will lead to less than substantial harm.

13.22. In accordance with NPPF paragraphs 129, 132 and 134 in determining this proposal the Council needs to consider whether the identified harm can be avoided or minimised, and whether that harm is outweighed by the public benefits arising from the proposal. It is considered that as the benefits of the proposal are;

- a) The provision of housing with the inherent social, economic and environmental benefit
- b) The provision of affordable housing
- c) Highways improvements
- d) Additional junior sports pitch
- e) CIL monies to facilitate improvements to the doctor's surgery and schools.
- f) The scheme will bring with it public benefits also in the form of construction related jobs and additional residents to help sustain and grow local services and facilities.

13.23. As such, it is considered the public benefits of this scheme are such that outweigh the less than substantial harm that has been identified to the setting of the adjacent listed buildings, Scheduled Monument and the significance of the Conservation Area. The justification for this development is to provide housing which will support the rural vitality of Haughley and provide community benefits. Therefore, the scheme can be supported on heritage grounds and satisfies paragraph 132 and 134 of the NPPF.

13.24. Historic England has stated that should the Council be minded to approve the development, their objection should be treated as a request to notify the Secretary of State of the application in accordance with Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990. Circular 02/09: The Town and Country Planning (Consultation)(England) Direction 2009 identifies that in the instance of Planning Applications, the Secretary of State should be notified if the local planning authority intends to grant consent for proposals to which Historic England objects because it would have an adverse impact on a World Heritage Site. This is not a World Heritage Site. As such, the Local Planning Authority is not duty bound to refer the application to the Secretary of State.

13.25. SCC Archaeology identify that this site has the potential for discovery of below-ground heritage assets. SCC Archaeology has requested a scheme of investigation to ground-truth the Geophysical Surveys. This can be secured through appropriate conditions.

14. Impact On Residential Amenity

14.1. 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.

14.2. This proposal is in outline form where there are no specific details of the exact location, orientation and types of houses proposed. The indicative layout shows the junior sports pitch adjacent to the existing dwellings to the south. Given the proximity of the existing playing field the additional noise is likely to be minimal. The Environmental Health Team raises no objection to the development in terms of noise or odour impacts.

14.3. It is considered that the applicant can design the layout, house types and landscaping to minimise impact on the existing residents such that the impacts would not give rise to an unacceptable loss of amenity in planning terms. Suitable distance between dwellings would also have to be adhered to, so that loss of daylight and sunlight and overlooking to the existing residents would be minimised. It should be noted that there is no 'right to a view' and as such this is not deemed a material planning consideration.

14.4. The indicative plan appears to provide a suitable arrangement as to provide good levels of amenity to the future residents and adjacent residents. However, if this proposal is approved, details in relation to layout, appearance, form, garden size, tree protection measures, the distance between the dwellings and landscaping of the site can be developed as part of the reserved matters application as to meet the relevant NPPF core value in paragraph 17 and the requirements of paragraph 123. If permission is to be granted, a condition can be imposed requesting that the applicant enters into a construction management agreement with the Council to safeguard the living conditions of the surrounding occupiers.

15. Biodiversity and Protected Species

15.1. Regulation 9(5) of the Conservation of Habitats and Species Regulations 2010 (Implemented 1st April 2010) requires all "competent authorities" (public bodies) to "have regard to the Habitats Directive in the exercise of its functions." For a Local Planning Authority to comply with regulation 9(5) it must "engage" with the provisions of the Habitats Directive. 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. Two of those principles are particularly relevant to the consideration of this proposal, being;

- If significant harm is caused which cannot be avoided or mitigated by conditions then planning permission should be refused.
- Opportunities to integrate biodiversity in and around developments should be supported.

15.2. An Ecological Appraisal was submitted with the application which identified that there the impact to badgers or any other protected priority or rare species was very low. Further ecological surveys and mitigation were considered unnecessary. However impact avoidance measures for birds, bats, herpetofauna, badgers and other mammals are recommended to minimise any residual risk of harm or impact to species. Biodiversity enhancement recommendations are also included within the assessment.

15.3. The Council's Ecology Consultant raises no objection to the development, stating the Assessment provides sufficient survey and assessment for the likely impacts of the development on Protected and Priority Species. The ecological mitigation measures and reasonable enhancement measures should be secured by conditions on any consent. The conditions recommended by the Council's Ecology Consultant shall be included with any permission.

16. Flood Risk and Drainage

16.1. 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.

16.2. Objections have been received raising concerns that the development of the site may cause localised floods in the area. Anglian Water and the Flood and Water Team at SCC have been consulted on this proposal.

16.3. A Flood Risk Assessment supports the application. This establishes that the site is at low risk to tidal, groundwater, and fluvial flooding. Infiltration drainage is unlikely to be viable due to the geology of the site. On the basis that infiltration systems are not viable, an attenuation basin is proposed which with restricted discharge to the network drains provides a potential route for surface water runoff to be directed to a viable point of discharge. Permeable paving will also be incorporated. The run-off rate would be at greenfield rates.

16.4. SCC Floods, as the Local Lead Flood Authority, raised a holding objection subject to additional information. Further discussions have been undertaken and SCC Floods confirm that in principle they are happy that the development has a viable surface water drainage strategy that won't increase the likelihood of flooding.

16.5. Additional information was submitted on 09 October 2017 that addresses technical concerns from SCC Floods. The additional information is an investigation by way of CCTV, electronic tracing and dye testing of the surface water drainage.

16.6. Based on SCC Floods comments that a viable scheme is deemed possible. Subject to resolving the technical issues and awaiting County's agreement, it is accepted that the development can provide a viable drainage solution to deal with surface water run-off without causing flood risk. Conditions to secure the final drainage strategy and its implementation can be secured via condition.

16.7. It is noted that there is a need for the riparian owners to ensure that ditches are kept clear and are free flowing.

16.8. Resident's raise concern regarding the capacity of the sewage network and detail existing problems. Anglian Water confirms that there is available capacity at the Haughley Water Treatment Centre for the additional flows. Agreement for connection will be secured by way of an agreement.

16.9. Having regards to the above, it is considered in terms of flood risk, water supply and drainage 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.

17. Planning Obligations / CIL

17.1. Objections have been received to this scheme on the grounds that the local infrastructure, which includes the local schools, is insufficient to meet the need of the residents of this proposal.

17.2. The Council adopted the Community Infrastructure Levy in 2016 which accordingly is to be spent on items such as open space contribution, health care, libraries, and education contributions. The development will be subject to a charge of £115 per square metre of residential floor area. The total cost will be calculated as part of the Reserved Matters application for scale. 15% of the contribution will go to the Parish Council.

17.3. As part of this proposal the contributions will be sought under the Council's CIL Scheme for improvements to the following:

- For the future renovation of the doctor's surgery
- For improvements to the local library provision

- For additional capacity at the primary school, pre-school and secondary school.

17.4. The Parish Council wish to secure funding for a new pre-school building as the current pre-school facilities in the village hall are no longer sufficient to provide the required 30hours of care. There is an existing shortage of spaces and it is not considered reasonable for this development to fund a new pre-school given the need exists regardless of this development. Indeed, it would potentially make the scheme unviable given the proposed highway improvements. Funding through CIL is deemed acceptable.

17.5. Funding for the highways improvement of moving the speed limit zone, provision of a VAS sign, zebra crossing and footway improvements will also be sought under the section 106. SCC set out that a public footpath extends through the site. There is no public right of way across this site and therefore it is not considered reasonable or necessary to require the surface improvements to this public right of way.

17.6. A management plan for open spaces will be secured via a S106 agreement whereby the developer will setup a management company to manage the land or some other arrangement agreed with the Local Planning Authority. There is no proposal for this to be transferred to the Council.

17.7. The provision of the footway connections onto the playing field, Church View and Castle Rise will also be secured through a condition and planning obligation.

17.8. The development also seeks to secure 35% affordable housing and accords with Altered Policy H4. The mix and tenure will be secured through the Reserved Matters application and through the S106 agreement.

17.9. SCC Highways have requested funding to be spent on bus stop improvements outside of the application site. Mid Suffolk District Council's CIL 123 Regulation includes public transport improvements. This funding, as such, cannot be requested as a site-specific mitigation contribution. As of 6th April 2015, the 123 Regulations restrict the use of pooled contributions towards items that may be funded through the levy.

17.10. There are no other site-specific financial contributions

17.11. 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.

18. Other

18.1. Objections have been made to this scheme on the grounds that there are other more suitable sites elsewhere and that these should be considered first. It must be remembered that each planning application must be considered on its own planning merits and there is no national requirement for a sequential test for preferred housing sites within an area.

19. Details Of Financial Benefits / Implications (S155 Housing and Planning Act 2016)

19.1. The development will lead to;

- Council Tax payments from the dwellings when built
- Planning Delivery Grant from Central Government for delivering the dwellings
- CIL calculated at £115 per square metre of residential for area.

PART FOUR – CONCLUSION

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

20.1. 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.

20.2. In this case the Officer has worked with the developer to resolve issues relating to highways, heritage implications and drainage.

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

21.1. There are no known legal implications derived from the determination of this application.

21.2. The application has been considered in respect of the current development plan policies and relevant planning legislation. Other legislation including the following has been considered in respect of the proposed development.

- Human Rights Act 1998
- The Equalities Act 2010
- Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990
- Natural Environment and Rural Communities (NERC) Act 2006 (any rural site)
- The Conservation of Habitats and Species Regulations 2010
- Localism Act
- Consideration has been given to the provisions of Section 17 of the Crime and Disorder Act, 1998, in the assessment of this application but the proposal does not raise any significant issues.

22. Planning Balance

22.1. The proposal for residential development on this site is considered to be contrary to the adopted Mid Suffolk Core Strategy as the application site lies within the countryside, outside the built framework of the settlement of Haughley on what is open agricultural land.

22.2. This application brings about a number of issues which require careful attention in reaching a decision upon this proposal. What follows, therefore, is a balancing of those issues in light of the assessment carried out within the preceding paragraphs of this report.

22.2. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990, applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The consideration is, therefore, whether the development accords with the development plan and, if not, whether there are material considerations that would indicate a decision should be taken contrary to the development plan.

22.3. The development plan includes the Core Strategy 1008, The Core Strategy Focused Review 2012, and saved policies in the Mid Suffolk Local Plan 1998.

22.4. In light of this application relating to a proposal for new housing, a further important consideration in determining this application is that Mid Suffolk District Council does not currently have a five-year supply of deliverable housing sites. Paragraph 47 of the NPPF requires LPAs to identify a 5-year supply of specific deliverable housing sites. Paragraph 49 of the NPPF states that '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'.

22.5. Paragraph 14 of the NPPF states;

"At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

For decision-taking this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent, or relevant policies are out-of-date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted".

22.6. As such, the effect of paragraphs 47, 49 and 14 are that;

- the local authority should be able to identify a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements;
- that where such a supply cannot be demonstrated, policies for the supply of housing should not be considered up-to-date, and;
- where policies are not up-to-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole or where specific policies in this Framework indicate development should be restricted. Policy CS1 sets out a similar approach where relevant Core Strategy policies are out-of-date

22.7. As set out at paragraph 38 above, the Supreme Court in May 2017 has clarified the position with regards to 'policies for the supply of housing' and how that is to be considered. Officers note that the judgement makes it clear that the meaning of that expression is not the real issue, and that the absence of a five-year housing land supply triggers the application of paragraph 14 of the NPPF, and that in applying the 'tilted balance' required by this paragraph, it is necessary to consider the weight to attach to all the relevant development plan policies.

22.8. It is considered that policy CS1, CS2, FC2 and H07 are policies for the supply of housing. It is, therefore, considered that paragraph 14 of the NPPF is engaged with regards to this proposal.

22.9. However, prior to considering the presumption in favour of sustainable development identified by paragraph 14, it is necessary to consider whether there are specific policies in the Framework that indicate development should be restricted. The footnote to this part of the NPPF identifies, amongst other things, policies relating to land designated as a Habitat Directives and designated heritage assets, as being those which may indicate development should be refused.

22.10. In consequence of the Council's heritage assessment, the NPPF (para 14, footnote 9 and paragraph 134) and the statutory duty imposed by section 66(1) of the Listed Buildings Act are to be taken into account in the consideration of the policy context. As set out in the judgement on Forest of Dean Council & the Secretary of State for Local Government v Gladman Developments Limited (2016) EWHC 421 (Admin) and at the Court of Appeal in its decision on Barnwell Manor Wind Energy Ltd v East Northants DC [2014] EWCA Civ. 137 when an authority finds that a proposed development would harm the setting of a listed building or the character and appearance of a conservation area, it must give that harm considerable importance and that a finding of harm to the setting of a listed building or to a conservation area gives rise to a strong presumption against planning permission being granted.

22.11. The NPPF (para. 134) states that 'where a development proposal will lead to less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposal including securing optimal viable use'. Whilst the harm identified to heritage assets is 'less than substantial harm', it is apparent that there is harm caused to heritage assets and, therefore, the balancing exercise required by paragraph 134 needs to be undertaken.

22.12. In this instance, the public benefits of the proposal can be summarised as including the following:

- Through the delivery of up to 98 dwellings of an appropriate housing mix, including the delivery of 35% affordable homes, the proposal would have inherent social and economic benefits and would meet housing needs and delivery of growth;
- Provision of Junior Sports Pitch
- Highways Improvements
- Contributions to improve infrastructure

22.13. In consideration of the contribution towards the Council's housing targets (that has now become more acute due to the accepted lack of five-year housing land supply), the provision of affordable housing and economic and infrastructure benefits which arise from the development, it is considered that these material considerations would outweigh the less than significant harm to the heritage asset.

22.14. Further to specific policy restrictions the Authority has a statutory duty as detailed in section 40 of Natural Environment and Rural Communities (NERC) Act 2006 that every public body must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.

22.15. Additionally, section 9(5) of The Conservation of Habitats and Species Regulations 2010 requires public bodies to "have regard to the Habitats Directive in the exercise of its functions." The Regulations require competent authorities to consider or review planning permission, applied for or granted, affecting a European site, and, subject to certain exceptions, restrict or revoke permission where the integrity of the site would be adversely affected. The content of paragraph 118 of the NPPF is also applicable stating that decisions should aim to conserve and enhance biodiversity following six principles.

22.16. The Ecological Assessment identify that the application would not lead to harm to protected species or priority species and habitats subject to securing mitigation measures and enhancement measures. This is agreed and as such the development is in compliant with paragraph 118 of the NPPF, Policy CS5 of the Core Strategy and CL8 of the Mid Suffolk Local Plan.

22.17. As such, it can be concluded that there are no specific policies in the Framework that indicate that development should be restricted and, therefore, paragraph 14 can be engaged.

22.18. Further, and in any event, the Council does not have a five-year housing land supply and considers therefore that limited weight should be attached to policies CS1, CS2, FC2, and H07. Whilst it is considered that the proposal does not strictly comply with these policies, any conflicts with these policies should be afforded limited weight.

22.19. Whilst it has been identified that the proposal does give rise to negative impacts which weigh against the proposal, such as the irreplaceable loss of countryside and grade 3 agricultural land and impact on heritage assets; it is considered that the benefits that the scheme brings through the provision of new housing, the securing 35% affordable properties, and contributions towards local infrastructure outweighs the negative issues.

22.20. Therefore, whilst the proposal is not in accordance with the development plan as a whole, it is considered that the adverse impacts from the proposed development (including the identified harm to heritage assets or otherwise) do not significantly and demonstrably outweigh the benefits of the development explained in this report. Furthermore, whilst the restrictions in footnote 9 of the NPPF include impacts on heritage assets, for the reasons explained above none of these policies indicate that development should be restricted.

22.21. As such, the proposal is considered to be sustainable development, in accordance with the three dimensions of sustainable development set out in the NPPF, and a recommendation of approval is therefore made. Whilst such a decision would not be in accordance with the development plan, viewed as a whole, it is an outcome that is envisaged by policy FC1 and FC1.1 of the Focused Review where the 'tilted balance' and the presumption in favour of sustainable development are engaged.

RECOMMENDATION

(1) Subject to the prior agreement of a Section 106 Planning Obligation on appropriate terms to the satisfaction of the Corporate Manager- Planning for Growth to secure:

- Secure 35% Affordable units including mix and tenure
- Provision and detail of footway links
- Contributions and provision of Highways Improvements- Zebra Crossing, footway improvements, VAS Sign and movement of 30mph zone
- Landscape Management Plan
- Provision of Open Space and Play space

(2) That the Corporate Manager- Planning for Growth be authorised to grant Full Planning Permission subject to conditions including:

- * Standard time limit
- * Submission of reserved matters
- * Land contamination condition
- * Landscaping scheme concurrent with reserved matters and including tree protection measures
- * Implementation of landscaping scheme
- * Secure and implement sustainability and energy strategy
- * Secure written scheme of investigation and implementation of programmed of archaeological work
- * Submit and agree site investigation and post investigation assessment (archaeology)
- * Secure provision of fire hydrants
- * Reserved matters for landscaping and layout shall include a landscape and visual impact assessment
- * Concurrent with reserved matters to submit foul and surface water drainage strategy
- * Implement Ecological Mitigation measures
- * Secure and implement Reptile Method Statement
- * Concurrent with Reserved Matters to secure biodiversity enhancement plan
- * Lighting Design Scheme to be agreed and implemented
- * Agree and implement construction of carriageways and footways
- * Agree and implement parking, cycling, and manoeuvring areas
- * Provide and maintain visibility splays
- * Construction Management Plan
- * Details of materials
- * Details and position of footway

3) That in the event of the Planning Obligation referred to in Resolution (1) above not being secured that the Corporate Manager- Planning for Growth be authorised to refuse planning permission on appropriate grounds.