

Committee Report

Item No: 1

Reference: 1884/16

Case Officer: Jack Wilkinson

Ward: Stowupland.

Ward Member/s: Cllr Keith Welham.

Description of Development:

Application for Outline Planning Permission for the erection of 18 dwellings, parking for primary school and extension to cemetery.

Location:

Land on the South East side of, Church Road, Stowupland.

Parish: Stowupland

Site Area: 1.95 hectares

Conservation Area: No

Listed Building: No

Received: 15/04/2016

Expiry Date: 13/09/2016

Application Type: OUT – Outline Planning Permission Application

Development Type: Major Small Scale - Dwellings

Environmental Impact Assessment: Environmental Assessment Not Required

Applicant: Porch Builders

Agent: Phil Cobbold Planning Ltd

DOCUMENTS SUBMITTED FOR CONSIDERATION

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

PART ONE – REASON FOR REFERENCE TO COMMITTEE

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

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

PART TWO – APPLICATION BACKGROUND

History

There is no planning history relevant to the application site . A detailed assessment of the planning history including any material Planning Appeals will be carried out as needed in Part Three:

All Policies Identified As Relevant

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

Summary of Policies

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

List of other relevant legislation

- Human Rights Act 1998
- Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990
- Natural Environment and Rural Communities (NERC) Act 2006 (any rural site)
- The Conservation of Habitats and Species Regulations 2010
- Localism Act 2011
- Consideration has been given to the provisions of Section 17 of the Crime and Disorder Act, 1998, in the assessment of this application but the proposal does not raise any significant issues.

Details of Previous Committee / Resolutions and any member site visit

None.

Details of any Pre Application Advice

None.

Consultations and Representations

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

A: Summary of Consultations

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

- lack of highway warning signs
- speed limit outside the school
- concerns over how the road narrows

Suffolk County Council – Highways – No objection subject to condition(s).

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

Suffolk County Council – Archaeology – No objection subject to condition(s).

Suffolk County Council – Fire and Rescue – No objection.

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

Suffolk County Council – Developer Contributions – If approved the application will be subject to developer contributions, based upon a future bid to the District Council for CIL funds.

MSDC – Housing Enabling – No objection, subject to S106.

MSDC – Infrastructure Team – No comments. However, if this permission was granted the development would be liable for Community Infrastructure Levy (CIL).

MSDC - Environmental Health - Land Contamination – No objection.

MSDC - Environmental Health – Other Issues – No objection.

Suffolk Preservation Society – No comments.

Anglian Water – No objection subject to a condition.

Stowmarket Ramblers Association – The application has been viewed and whilst it won't affect the public footpath, it will, along with all the other housing sites, spoil the enjoyment of walking in the Stowupland area.

Place Services – Landscape – No comments.

Place Services – Ecology – No objection subject to conditions.

Natural England – No comments.

Ministry of Defence – No objection.

Environment Agency – No objection.

Highways England – No objection.

B: Representations

- Third party representations have been received, comments are summarised below;
- Proposal would give rise to a harmful impact upon the landscape
- Proposed dwellings would have a detrimental impact on the heritage asset Crown Farmhouse
- Proposal would be out of keeping with the character and appearance of existing development
- Proposal would have an urbanising effect on the character and appearance of the village
- Proposal would give rise to an unacceptable increase in traffic
- Existing infrastructure serving the proposal is at capacity
- Inadequate sewerage system to serve the proposal
- Proposal would give rise to a detrimental impact upon biodiversity
- Loss of views identified as visually important in the emerging Neighbourhood Plan
- Proposal would give rise to highways safety issues due to inappropriate access.
- The application ignores the Stowupland settlement boundary.

- The site is not appropriate for housebuilding due to its countryside nature.
- The development does not harmonise with the nearby Listed Building (Church)
- The proposal will lead to overdevelopment and increased traffic.
- The A1120 is already extremely busy and this will add more traffic onto the road at a very dangerous point.
- The application is misleading.
- The development is out of character and not in accordance with the surrounding area.
- The developer has not consulted the local community.
- The planning application is incorrect as it states there are no hedges or trees on the site.
- The planning application is incorrect when it states there is no watercourse within 20m of the site.
- It is completely inappropriate to build a car park on the site for either the cemetery or the school.
- The council should be discouraging people driving to school – not encouraging it.
- The car park will increase traffic.
- The car parks will become magnets for anti-social behaviour.
- There is no need to include an extension for the cemetery.
- The entrance to the site is dangerous.
- There are no community facilities on the site.
- Strain on the community and its infrastructure
- Adverse impact upon nearby residential amenity, before, during and after development.
- Landscape impact
- Security and public safety
- Being overlooked.
- Additional strain on community facilities and infrastructure.
- Growth of traffic movement, traffic management issues.
- Invasion of privacy.
- Construction noise.
- Neighbouring noise from new development.
- Loss of view dwellings encroaching on skyline.
- Loss of light.
- Security of property.
- Building types not in keeping with surroundings.
- Location near graded buildings.
- Encouraging Non-use of “safe route to school”.
- Additional parking not required, as additional problems associated.
- Creating areas for possible anti-social behaviour.
- Precedent set for future developments outside of village envelope.

PART THREE – ASSESSMENT OF APPLICATION

From an assessment of relevant planning policy and guidance, representations received, the planning designations and other material issues the main planning considerations considered relevant to this case are set out including the reason/s for the decision, any alternative options considered and rejected. Where a decision is taken under a specific

express authorisation, the names of any Member of the Council or local government body who has declared a conflict of interest are recorded.

1. The Site and Surroundings

1.1 The proposal site comprises approximately 1.95 hectares of agricultural land on the southern edge of the village of Stowupland. The site lies to the south east of Church Road, with existing residential development and Freeman Primary School along Church Road opposite, agricultural buildings to the east and the cemetery to the west of the site. The proposal site is located within the Countryside, opposite and adjacent to the settlement boundary of Stowupland.

2. The Proposal

2.1 This application seeks outline planning permission for the erection of 18 dwellings, parking for primary school and extension to cemetery. The main access will be at a right angle to the A1120/Church Road, with internal service roads serving individual dwellings.

2.2 The outline proposal comprises of the 18 no. dwellings, of which 6 no. are allocated affordable/starter homes. The application states in the Design and Access Statement that "the scheme will pick up the local Suffolk vernacular . . . and will use traditional pallet of materials". Precise details would be considered through the submission of a detailed reserved matters planning application, at a later date.

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

- Phase 1 Land Contamination Report reference: 72573/R/001
- Revised Indicative Layout reference: 4115-01B

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.

4. Neighbourhood Plan

4.1 Stowupland Parish Council are preparing a Neighbourhood Development Plan. The Planning Practice Guidance confirms that an emerging neighbourhood plan may be a material consideration. Factors to consider include the stage of preparation of the plan. The plan in this instance is at an early stage, with consultation on the designated Neighbourhood Plan Area completed, however, a draft Plan is yet to be submitted for formal consultation. Given that the Plan remains at this early stage of preparation, Officers consider it should be given limited weight in the determination of this application.

5. The Principle of Development

5.1 The application site whilst it abuts the settlement boundary for Stowupland is nonetheless outside the settlement boundary. As such the proposal is considered to be new residential development in the countryside, and which would be contrary to Core Strategy Policies CS1 and CS2 and Local Plan Policy H7. However 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."

Mid Suffolk District Council does not have this housing land supply at this time and as such the relevant policies set out above are not considered to be up to date and on this occasion are not considered to justify refusal in this respect. Indeed paragraph 14 of the NPPF states in this respect:

"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"

In the light of this the development plan is considered out of date such that the in principle objection on the basis of housing policies does not justify refusal at this time.

5.2 The NPPF nevertheless requires that development be sustainable and that adverse impacts do not outweigh the benefits to be acceptable in principle. Paragraph 7 of the NPPF sets out three dimensions for sustainable development, economic, social and environmental:

"an economic role - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure:

a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and an environmental role - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy."

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

6. Sustainability of the Proposal

6.1 The proposal site is located in The Countryside, where Policy CS1 and CS2 of the Core Strategy states that only development for rural exception housing will be permitted. The proposal does not represent rural exception housing for the purposes of the Core Strategy, whilst remaining inconsistent with Policy H7 of the Local Plan.

6.2 Policy CS1 and CS2 of the Core Strategy and H7 of the Local Plan form part of a suite of policies to control the distribution of new housing, they can be afforded weight, since it contributes to ensuring that development is sustainably located and unsustainable locations are avoided. This planning objective remains important and is consistent with the NPPF presumption in favour of sustainable development, by limiting development in

less sustainable locations with a limited range of services to meet the needs of new residents in a sustainable manner. However, in the absence of a five-year supply and significant weight afforded to the provision of housing as to address the housing shortfall, Officers are of the view that these policies should be afforded limited weight as they restrict housing development in the countryside to exception housing.

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

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

7. Economic

7.1 The provision of 18 no. dwelling units will give rise to employment during the construction phase of the development. Furthermore, future occupiers of the development would be likely to use local services and facilities. Both factors will be of benefit to the local economy.

8. Social

8.1 *Provision of New Housing*

8.2 The development would provide a benefit in helping to meet the current housing shortfall in the district through the delivery of 18 no. additional dwellings.

9. Environmental

9.1 *Access to Services and Facilities*

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

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

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

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

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

9.7 Given the above, Officers consider the proposal is located as to enable future occupiers access to services and facilities within Stowupland and Stowmarket, whilst alternative methods of transport opposed to the private car offer a sufficiently attractive alternative for occupiers of the proposed accommodation, consistent with the environmental and social dimensions of sustainable development contained within the NPPF.

10. Landscape Impact

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

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

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

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

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

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

10.7 Suffolk County Council's Landscape Consultant has reviewed the application and accompanying landscaping scheme. The consultant concludes the likely visual impact on the surrounding landscape is limited to the immediate surroundings of the site, whilst due to historic infill development along the A1120, the proposals will have a limited impact on the setting of Stowupland and its historically established settlement boundary. Furthermore provided drawings successfully mitigate the negative visual effects of the development on the open setting and adjacent residential areas. The proposal will be a significant change in character for the site which is open arable land bounded on three sides by trees and hedgerows. As a result the views from the adjacent residential properties will be altered perhaps significantly. However the wider visual effects are capable of being largely contained by effective boundary vegetation planting.

10.8 The Landscape Consultant sets out a number of recommendations including;

- Prior to commencement, an effective landscape masterplan provide a robust outline scheme of both hard and soft landscaping, including the landform and planting of the

SUDs features. This masterplan should also include details of the planting palette proposed.

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

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

11. Design and Impact Upon the Character and Appearance of the Area

11.1 The built form of the area is predominately linear, with residential development extending along Church Road, however 'close/cul-de-sac' type development at 'The Pippins' to the west of the proposal site, provides some variation. Consideration must also be afforded to planning permission 0117/17 for "*Erection of 10 dwellings and construction of new access and service road*", located to the west of the proposal site.

11.2 The main access will be at a right angle to the A1120/Church Road, with internal service roads serving individual dwellings. The proposed development extends away from the A1120/Church Road. Given the form of development, the proposal is considered to maintain the predominately linear character of the locality and therefore remains in keeping with the character and appearance of the area in this regard.

11.3 The application proposes new housing at a density of approximately 9 dwellings per hectare (dph). Whilst the proposed density falls below that sought under Policy CS9, the proposed quantum of development would enable the inclusion of landscaping to mitigate the impact of the proposal upon the landscape and to maintain a generally linear form to the development.

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

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

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

12. Heritage Issues [Including The Impact On The Character And Appearance Of The Conservation Area And On The Setting Of Neighbouring Listed Buildings]

- 12.1** The NPPF defines the setting of a heritage asset as the surroundings in which it is experienced. The extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset; may affect the ability to appreciate that significance; or may be neutral.
- 12.2** English Heritage (now Historic England) (HE) guidance indicates that setting embraces all of the surroundings from which an asset can be experienced or that can be experienced from or within the asset. Setting does not have a fixed boundary and cannot be defined, in perpetuity, as a spatially bounded area or as lying within a set distance of a heritage asset. The NPPF says that the significance of an asset is defined as its value to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting. Heritage significance can be harmed through development within setting.
- 12.3** Officers have identified the heritage assets Holy Trinity Church (Grade II Listed Building), Crown Farmhouse (Grade II Listed Building), and The Crown Public House (Grade II Listed Building) within the locality.
- 12.4** Officers consider that the proposal would not materially harm the setting and significance of the Listed Buildings, similarly, the perception and appreciation of property would not be affected.
- 12.5** In conclusion, Officers consider the proposed scheme would lead to a neutral impact to the settings of the heritage assets identified, preserving the setting of the heritage assets, in accordance with Core Strategy Policy CS5, Local Plan policy HB1 and SAAP policy 9.5.
- 12.6** The Heritage Policies within the NPPF do not therefore indicate that the development should be restricted in this instance.

13. Impact on Residential Amenity

- 13.1** The Councils Environmental Protection Team raises no objection; however, in the interest of residential amenity during development, the proposal may be subject to a condition restricting hours of operation for noise intrusive works.
- 13.2** Officers consider that the site is capable of accommodating the development proposed, without having a detrimental impact on the residential amenity of future occupiers of the proposal and neighbouring properties. A condition restricting hours of operation for noise intrusive works is recommended.

14. Highway Safety

- 14.1** The proposal is to be accessed from Church Road. The total number of parking spaces to be provided will be reviewed at reserved matters stage, in consideration of the Suffolk Guidance for Parking technical guidance adopted by the district.
- 14.2** The Local Highway Authority raises no objection to the proposal subject to conditions. Officers concur with the findings of the Local Highway Authority and thereby consider the proposal to be acceptable in this regard, subject to the imposition of those conditions as recommended.

15. Public Right of Way

- 15.1** As identified previously within this report, a bridleway lies adjacent to the western boundary of the proposal site. A connection through to the bridleway is provided as part of the proposed scheme.
- 15.2** Suffolk County Council Rights of Way and Access raise no objection to the proposal with respect to impact upon public rights of way, Officers concur with the findings of Suffolk County Council Rights of Way and Access and thereby consider the proposal to be acceptable in this regard.

16. Flood Risk

- 16.1** The proposal site lies within Floodzone 1 of the Environment Agency flood mapping, where flooding from rivers and the sea is very unlikely. There is less than a 0.1 per cent (1 in 1000) chance of flooding occurring each year.
- 16.2** Further to the above, Suffolk County Council Flood and Water Management Team raise no objection, subject to conditions.
- 16.3** Officers consider that the applicant has demonstrated that an appropriate method of drainage, in principle, can be achieved on site. However those details, as identified by the Flood and Water Management Team, remain outstanding. Officers in this instance, recommend, should Members be minded to approve the application, that authority be delegated to satisfy the outstanding drainage matter in consultation with the SCC Flood and Water Management Team.

17. Land Contamination

- 17.1** The application is supported by a Phase 1 Contaminated Land Survey.
- 17.2** The Councils Environmental Protection Team have reviewed the information (specifically Phase I Report referenced 72573/R/001 dated 10th October 2016) and raise no objection to the proposal. It is considered prudent to copy their comments verbatim; *On 'the balance of evidence presented would mean that it would be neither necessary or defensible to require these by means of condition and as such I have no objection to the proposed development but would only request that we are contacted in the event of unexpected ground conditions being encountered during construction and that the*

developer is made aware that the responsibility for the safe development of the site lies with them'. Officers concur with the findings of the Environmental Protection Team and consider the proposal is thereby acceptable in this regard, subject to the imposition of appropriate condition(s).

18. Archaeology

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

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

19. Trees

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

20. Biodiversity

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

21. Loss of Agricultural Land

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

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

21.3 Nonetheless, the proposal would give rise to the loss of agricultural land and thus give rise to a degree of harm in this regard. However, Officers consider as the district is predominantly rural in character and that the proposal site comprises a modest parcel of land, it is considered that the loss of this parcel of agricultural will give rise to limited harm not sufficient to warrant refusal.

Other Matters

22. Affordable Housing Provision

- 22.1** Altered Policy H4 of the Local Plan seeks an affordable housing provision of 35% of total units.
- 22.2** The proposal provides 6 no. affordable/starter homes, thus providing a 33.3% affordable nature.
- 22.3** In this instance the applicant has submitted evidence which has been assessed by the Council's own viability consultant. It has been demonstrated to the satisfaction of Officers that the proposed scheme is viable and deliverable as 35% affordable housing (6 no. residential units) is provided within the plans.
- 22.4** It is therefore considered that the proposal, with the level of affordable housing, should be considered as acceptable in this respect. The planning statement advises that the open market mix consists of 2, 3 and 4 bed houses. The viability consultant has expressed that at least 20% of the open market mix should be made up of 2 bedroomed houses to enable first time buyers access to housing, and the inclusion of some bungalows or chalet bungalows to accommodate older people wishing to downsize but stay in the locality. Officers recommend the affordable housing contribution be secured through a Section 106 legal agreement.

23. CIL and Planning Obligations

- 23.1** The Community Infrastructure Levy is a tool for local authorities in England and Wales to help deliver infrastructure to support the development of the area.
- 23.2** Mid Suffolk District Council adopted a CIL Charging Schedule On 21st January 2016 and started charging CIL on planning permissions granted from 11th April 2016. Mid Suffolk are required by Regulation 123 to publish a list of infrastructure projects or types of infrastructure that it intends will be, or may be, wholly or partly funded by CIL.
- 23.3** The current Mid Suffolk 123 List, dated January 2016, includes the following as being capable of being funded by CIL rather than through planning obligations:
- Provision of passenger transport
 - Provision of library facilities
 - Provision of additional pre-school places at existing establishments
 - Provision of primary school places at existing schools
 - Provision of secondary, sixth form and further education places
 - Provision of waste infrastructure
 - Provision of health facilities
- 23.4** With particular regard to education provision, Suffolk County Council forecast that there will be no surplus places available at the catchment primary or secondary schools to accommodate children arising from the proposal. CIL funding will therefore be sought.
- 23.5** With particular regard to car parking, Suffolk County Council have contacted the Headteacher at Stowupland Freeman Community Primary School who are aware of the proposal. SCC offer comment, that *'if a car park was available they (the school) have confirmed it would be of use to the school during school hours but its use should be restricted to staff and only then if it was able to be restricted access so that parents could not use it. It is not possible for SCC or the school to control use of the park area when the applicant retains ownership. The layout is a reserved matter and the car park position*

has been repositioned based on the new and existing footways and the probable desire lines for crossing the road. It is therefore not considered a safety risk. In consideration of this arrangement, the Council should secure the use of the car park by a planning obligation.

PART FOUR – CONCLUSION

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

24.1 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.

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

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

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

- Human Rights Act 1998
- The Equalities Act 2012
- Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990
- Natural Environment and Rural Communities (NERC) Act 2006 (any rural site)
- The Conservation of Habitats and Species Regulations 2010
- Localism Act
- Consideration has been given to the provisions of Section 17 of the Crime and Disorder Act, 1998, in the assessment of this application but the proposal does not raise any significant issues.

26 Planning Balance

26.1 The Council accepts that it cannot currently demonstrate a five year housing land supply in the district, as required by the NPPF. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites (as stated in paragraph 49 of the NPPF).

26.2 Where policies cannot be considered up-to-date, the NPPF (paragraph 14) cites the presumption in favour of sustainable development and states that planning permission should be granted unless i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or ii) specific policies in the NPPF indicate development should be restricted.

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

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

26.5 In this case the adverse environmental impact, associated with harm to the landscape arising from the introduction of development to an otherwise undeveloped parcel of agricultural land and loss of agricultural land does not significantly and demonstrably outweigh the benefits of the development, including the benefit in helping to meet the current housing shortfall in the district. The proposal would thereby represent sustainable development and should be granted in accordance with the presumption in favour of sustainable development.

26.6 The application is therefore recommended for approval.

RECOMMENDATION

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

- 35% Affordable Housing
- The use of the car park by a planning obligation.

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

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

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

- Inadequate provision of affordable housing contribution which would fail to provide compensatory benefits to the sustainability of the development and its wider impacts, contrary to the development plan and national planning policy.
4. That, in the event of drainage matters referred to in Resolution (2) are not resolved to the satisfaction of the Corporate Manager – Growth & Sustainable Planning, that authority be delegated to him to refuse planning permission, for the following reason (summarised):
- Inadequate provision of a suitable method of drainage that would give rise to an unacceptable level of flood risk, contrary to the development plan and national planning policy.