MID SUFFOLK DISTRICT COUNCIL DEVELOPMENT CONTROL COMMITTEE B - 16th MARCH 2016

AGENDA ITEM NO APPLICATION NO PROPOSAL	3 4028/15 Application for Outline Planning Permission for the erection of 15 new dwellings
SITE LOCATION	Land off Cherry Tree Close, Yaxley IP23 8DH
SITE AREA (Ha)	0.77
APPLICANT	Dove Farm Developments Limited
RECEIVED	November 11, 2015
EXPIRY DATE	March 10, 2016

REASONS FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason :

it is a "Major" application for a residential land allocation for 15 or over dwellings

PRE-APPLICATION ADVICE

1. No pre-application advice was sought in respect of this proposal.

SITE AND SURROUNDINGS

2. The application site is formed of two areas of land, both accessed from Cherry Tree Close, Yaxley.

The northern area is an area of currently grassed land appearing as amenity land for the new dwellings at Cherry Tree Close. The second, larger area, is situated to the south of Cherry Tree Close, abutting the rear boundaries of properties in Cherry Tree Close and The Street. This area of land is an open area of uncultivated land with one building, to appearances a stable block, situated to the eastern most side of this area.

To the north, east and southern boundaries of the site is existing residential development, to the west is open countryside.

HISTORY

3. The planning history relevant to the application site is:

There is no relevant planning history for the application site itself, the details below relate to

the

development of Cherry Tree Close.

OL/141/90	Use of land for residential purposes	Granted 26/3/1991
OL/16/94	Use of land for residential purposes (renewal of outline planning permission OL/16/94).	Granted 16/3/1994
OL/71/99	Use of land for residential purposes (renewal of outline planning permission OL/104/96)	Granted 16/11/1999
119/00	28 No. detached and semi-detached houses and garage, construction of vehicular access (submission of details pursuant to outline planning permission ref OL/71/99)	Granted 20/6/2000
1314/00	28No. detached and semi-detached houses and garage using existing vehicular access (revised scheme to that previously permitted 119/00)	Granted 13/2/2001
0065/02	Revision on house types on plots 17 and 18 from Two (Type A) dwellings to One (Type C (G)) Dwellings (Amendments to 1314/00)	Granted 12/3/2002

PROPOSAL

4. The proposal is outline for the residential development of the site for 15 dwellings.

POLICY

5. Planning Policy Guidance

See Appendix below.

CONSULTATIONS

6. Yaxley Parish Council

Objects for the following reasons:

- There have been serious problems for the past twelve years in the adoption of the existing development of Cherry Tree Close by Suffolk County Council. To further develop this area, without the existing development being adopted, would be a serious mistake.
- The local infrastructure would not sustain the building of this number of additional properties in Yaxley:
 - There are insufficient healthcare facilities locally
 - The local schools have limited capacity to cope with additional children

- There is little public transport in the area
- There is no footpath alongside the road to the nearest primary school and this would increase the use of private cars to take children from the new development to the school.
- The original site of the development on Cherry Tree Close had significant levels of contamination and it is likely that the site will also be contaminated.
- By adding 15 dwellings there would be a significant increase in congestion caused by parked cars. This would cause problems for access to Cherry Tree Close, in particular for emergency vehicles.
- The shop in the village closed earlier this year.
- The main part of the development would be outside the existing settlement boundary.

Suffolk County Council Highways

The County Council as Highway Authority recommends that any permission which that Planning Authority may give should include conditions.

Historic England

The Grade II* Guildhall Cottages lies to the south. Historic England would be chiefly concerned with the effect of the proposals on the setting of the highly designated heritage asset.

Guildhall Cottage is a 16th century guildhall, which has been previously used as almshouses and a single residential dwelling following its original use. The building is a multi-phased structure of historical and architectural interest sufficient to warrants it II* status. The application site is separated from the heritage asset by three dwellings and mature planting.

The application site has previously had structures on it, but is now an open field which does not have many defining features. The creep of development southwards has the potential to affect the setting of the listed building, however not sufficient for us to raise an objection. It is likely that the existing planting and separation distance would be sufficient to screen the impact. The submitted plan shows some indicative planting to the southern boundary. It is noted that the landscaping is not part of the outline application, however we would suggest that the Council, if minded to approved, conditions that the existing tree group is retained and further reinforced.

MSDC Heritage

The Heritage Team considers that the proposal would cause no harm to a designated heritage asset because it would have no material adverse impact on the setting of the nearby listed building. No objection.

Recommends that adequate tree screening be secured to the south of the site.

Suffolk County Council Development Contributions

Education

SCC would anticipate the following minimum pupil yields from a development of 15 dwellings:

Primary; 4 pupils at £12,181 per place Secondary; 3 pupils at £18,355 per place Secondary 16+; 1 pupil at £19,907 per place

The local catchment schools are Eye Mellis CEVC Primary School and Eye Hartismere High School. At the catchment school there is forecast to be no surplus capacity available for pupils anticipated to arise from this scheme. On this basis SCC will require a capital contribution of £48,724 to fund education at Mellis CEVC Primary School and £74,972 to fund education provision at Hartismere High School.

Libraries

A capital contribution towards libraries arising from this scheme is £3,420 which would be spent on enhancing library facilities and services at the local catchment library in Eye.

Waste

A capital contribution towards waste minimisation and recycling initiatives for the development of £765.

Waste bins and garden composting bins provided before occupation of each dwelling and secured by way of a planning condition. Would also encourage the installation of water butts connected to guttered down-pipes to harvest rainwater for use by occupants in their gardens.

Environmental Health: Land Contamination

The Environmental Protection Team has no objection to the proposed development would recommend that the following Advisory Note by attached to any planning permission.

Our records indicate that this site (has a past industrial use or is within Xm of a part industrial use) specifically a former quarry. There is a possibility that all of part of the former quarry may have been infilled and may therefore be contaminated or affected by landfill gases. However, our records characterise the site as relatively low risk and it is therefore considered acceptable to proceed with the development whilst implementing appropriate caution.

SCC Flood and Water

The submitted Planning Statement and Design and Access Statement do not mention any proposals for drainage. The application form states that surface water will be disposed of to soakaways.

Ground investigations, including soakage tests in accordance with BRE365, need to be undertaken in order to establish firstly, whether the proposed use of infiltration type drainage is possible and secondly to provide test values to enable the proposed drainage system to be designed.

If soakage rates are found to be below 5 to 10 mm/Hr then a different run-off

destination will need to be used. This might entail using on site attenuation and treatment in a pond at the lowest part of the site and an off site sewer draining to the nearest suitable watercourse.

135

Maintenance and adoption proposals need to be provided.

Due to the lack of information provided, SCC is unable to advise on whether the proposal are adequate or whether they increase flood risk off the site.

SCC would therefore recommend that further information, including results of ground investigations and a more detailed SW drainage design should be requested and submitted.

The SCC Flood Team can then provide further advice on the acceptability of proposals and depending on the submission, may then seek a condition regarding details, perhaps as below.

No development shall commence until a scheme for disposal of surface water for the outline site have been submitted to and agreed in writing by the Local Planning Authority. This should be informed by soakage tests in accordance with,BRE365 and include:

Details of the soakage tests

Details including design calculations

Plans showing exceedance paths and flood storage areas

Proposals for water quality

Proposals for maintenance and management of the surface water drainage scheme

SCC Archaeological Service

This application lies in an area of high archaeological interest recorded in the County Historic Environment Record, to the south of a medieval moated site. A number of Roman, Saxon and medieval finds scatters have also been recorded within the vicinity. As a result, there is a strong possibility that heritage assets of archaeological interest will be encountered at this location. Any groundworks causing significant ground disturbance have potential to damage any archaeological deposit that exists.

There are no grounds to consider refusal of permission to achieve preservation in situ of any important heritage assets. In accordance with paragraph 141 of the NPPF, any permission granted should be the subject of a planning condition to record and advance understanding of the significance of the heritage asset before it is damaged or destroyed.

Suffolk Fire and Rescue Service

Suffolk Fire and Rescue Service requires a minimum carrying capacity for hard standing for pumping/high reach appliances for 15/26 tonnes, not 12.5 tonnes as detail in Building Regulations 2000 Approved Document B, 2006 Edition, incorporating 2010 and 2013 amendments.

Recommends that fire hydrants be installed within the development. It is not possible at this time to determine the number of fire hydrants required. The requirement will be determined at the water planning stage when site plans have

been submitted by the water companies.

If the existing provided fire hydrant(s) can sustain a minimum outlet discharge of 1200 litres per minute and meets the requirements specified in Building Regulations Approved Document B, (Fire Safety), 2006 Edition, incorporating 2010 and 2013 amendments, Volume 1 Part B5, Sections 11 dwelling houses, and similarly Volume 2, Part B5, Sections 16 and 17, in the case of buildings other than dwelling houses, no new fire hydrants need to be installed in respect of this application.

LOCAL AND THIRD PARTY REPRESENTATIONS

7. This is a summary of the representations received.

-Outside settlement boundary -Increase in traffic to already congested close -Cherry Tree Close not adopted as the original development -Noise and disturbance -Loss of privacy -Loss of green space amenity land -No environmental value -Post office and store no longer open, only a Public House in the village

ASSESSMENT

8. There are a number of considerations which will be addressed as follows.

- Principle of Development
- Impact on the character and appearance of the area
- Highway and Access Issues
- Heritage
- Residential Amenity
- Landscape
- Biodiversity
- Flood risk
- Consultee and Representatives Comments

• PRINCIPLE OF DEVELOPMENT

National Planning Policy Framework

The National Planning Policy Framework (NPPF) was published on 27th March 2012. It provides that the NPPF "does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise".

The NPPF also provides (paragraph 14) that there is " a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking". This paragraph continues "for

decision-taking this means approving 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".

Development Plan

The application site whilst it abuts the settlement boundary for Yaxley as a secondary village 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. However, 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."

The application site is adjacent to the settlement boundary of Yaxley, the only service available in Yaxley is the public house, the Post Office and shop situated within the public house having closed.

The site is over 1500m away from Mellis CEVC Primary School and pre-school and slightly further to other services in Mellis, including a public house, village hall and church. Whilst this is within an approximately 20 minute walking distance the access is not entirely along a footpath, there is a break in the footpath for over 500m of this distance. Furthermore whilst this is within a 30 mph limit this is an un-lit country road. As such the site is not considered to have sustainable access to local services in this respect.

Bus services operate through Yaxley and provide access to Stowmarket, Eye and Diss. However these do not provide an extensive service and there is only one bus each morning providing access to Diss at an appropriate time to support sustainable travel options, with particular regards to employment.

Even if limited weight is put on the timing of the bus services these are still limited, not providing a regular service as to be considered convenient or viable for daily needs. Consequently it is highly likely that future occupiers would choose to drive rather than use this limited bus service. In addition there is no bus shelter, further reducing the appeal of using the bus over the convenience of a private motor vehicle.

Therefore whilst not remote from other dwellings, the proposal would nonetheless result in the development of new dwellings in the countryside that would not be sustainably located with regards to accessing services, facilities and employment.

With regards to the other strands of the environmental role of sustainable development it is noted that the proposal offers no benefits to protecting and enhancing our natural environment or improving biodiversity. Furthermore the Ecological Scoping Survey received with the application states that the site offers the potential to support reptiles and a full survey should be conducted. No such survey has been submitted as part of this application. As such the proposal is considered to risk harm to biodiversity, contrary to the requirements of paragraph 7 to improve biodiversity.

It is recognised as set out in paragraph 8 of the NPPF that the roles of sustainable development should not be undertaken in isolation, therefore whilst

the proposal is not considered to represent sustainable environmental development the economic and social roles should also be considered.

With regards to the economic role of sustainable development the proposal for the erection of 15 dwellings would provide some benefits with regards to the construction industry, would support the public house in Yaxley and services in adjoining settlements, regardless of how they are accessed. However, this is not considered to be a significant benefit given that other housing developments would also provide these benefits, and in more sustainable locations.

In respect of the social role of sustainable development the application states that it would undertake this role by providing affordable and low cost homes to meet the need for housing in the area and sustaining local community interest groups. Whilst it is considered that the proposal would provide some benefit in this respect the accessibility of these services is also set out in paragraph 7 of the NPPF within the social role that the supply of housing should have accessible local services. Given the assessment of this with regards to the environmental role and the limited services within walking distance the benefits in this respect are further considered to be limited.

Whilst it is recognised that there are some benefits with regards to the economic and social role of sustainable development, the reliance on the private motor car and potential impact on biodiversity is considered to outweigh these limited benefits, such that the proposal is not considered to be sustainable development.

IMPACT ON THE CHARACTER AND APPEARANCE OF THE AREA

Policy CS5 of the Mid Suffolk Core Strategy 2008 emphasises that all development must reflect local distinctiveness and enhance the character and appearance of the district. Policy FC 1.1 of the Core Strategy Focus Review 2012 states that development must conserve or enhance the local character of the different parts of the district. Policy GP1 states to be supported all proposals should maintain or enhance the character of the surrounding area and should respect the scale and density of surrounding development.

This application is outline with all matters reserved, however from the indicative plans received it is considered that the application site could accommodate 15 dwellings in keeping with the density and scale of surrounding development, such that this is not considered to warrant the refusal of the proposal. The details would be agreed under reserved matters applications in compliance with relevant policies.

The proposal does however include the erection of dwellings (the indicative plans propose three dwellings) on an area of land currently providing amenity space for existing residents. The development of such land would affect the character of this part of the locality, forming part of the character of Cherry Tree Close, in particular as Cherry Tree Close is entered. However, additional land is proposed to provide amenity space and which could be adequately secured within this application. The harm of the loss of this land is therefore limited to the impact on the character of Cherry Tree Close itself. Whilst the proposal would alter this small part of the character it is not considered that this would have such an impact within an existing area of residential development, giving particular regards to the extent of the piece of land, the layout and the overall

character of Cherry Tree Close to warrant refusal in this respect.

HIGHWAY AND ACCESS ISSUES

Saved Policies H13 and T10 of the Mid Suffolk District Local Plan states that development will be supported where it does not have a negative impact on highway safety. The policies referred to above are in line with the requirement of paragraph 39 of the NPPF to provide safe and suitable access for all and carries significant weight in the determination of this application.

Access is a reserved matter, but the indicative layout shows the access from Cherry Tree Close to both parts of the site. Suffolk County Council Highways have confirmed that adequate visibility splays can be provided such that the proposal is not considered to risk harm in this respect.

There have been objections with regards to the adoption of Cherry Tree Close, which has not been undertaken to date following the grant of planning permission for the residential development of Cherry Tree Close, most recently in 2002. Suffolk County Council Highways recommend adoption of roads under Section 38 as part of its consultation response.

In the light of this and issues of adoption to date it is considered that this could be ensured by way of any S106 agreement to secure the adoption of the access to the site via Cherry Tree Close and in respect of the new estate road.

HERITAGE

Guildhall Cottage is situated to the South of the application site and is a grade II* Listed Building. The proposed development would extend closer to this building than currently, however this is not considered to cause harm to the setting of the Listed Building. Furthermore by means of a considered planting scheme to the southern boundary this impact could be further reduced. Such details could be adequately secured by means of a landscaping condition.

<u>RESIDENTIAL AMENITY</u>

The NPPF (paragraphs 17 and 56) and 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.

The application does not provide more than indicative details of design and layout. Notwithstanding this the application site is considered to provide sufficient room to accommodate the proposed residential development without unacceptable impact on neighbouring residential amenity. As such this could be acceptably managed as part of the reserved matters.

The proposal does, on the basis of the indicative plans provided, result in the loss of an area of amenity land between 18 and 20 Cherry Tree Close. However, an area of land of a somewhat larger size is proposed to replace this. The provision of this could be secured by means of a S106 agreement such that overall the proposal would not be considered to result in a loss of amenity to consider refusal in this respect.

LANDSCAPE

The application site is in part an area of grassed amenity land and in part an overgrown area of land, the use of which is unclear but which has a stables building on it. The site is somewhat enclosed by existing residential development despite abutting open agricultural land. The impact of this enclosure is such that the development of this site would predominately be seen against existing residential development and certainly as part of the built form here.

In the light of this and given that additional control to provide landscape screening and buffering could be provided by way of condition it is not considered that the proposal has an unacceptable impact on the landscape to warrant refusal in this respect.

BIODIVERSITY

The NPPF states (at paragraph 109) that development should "minimise impacts on biodiversity and providing net gains in biodiversity where possible."

Regulation 9(5) of the Conservation of Habitats and Species Regulations 2010 (Implemented 1st April 2010) provides that all "competent authorities" (public bodies) "have regard to the Habitats Directive in the exercise of its functions." In order for a Local Planning Authority to comply with regulation 9(5) it must "engage" with the provisions of the Habitats Directive.

An ecological scoping survey has been undertaken and submitted as part of this application. This survey concludes that there is no evidence of, or potential to provide habitat for bats, barn owls and badgers and provides for mitigation of habitats for bird species. However, it also concludes that the site offers the potential to support reptiles such that an additional reptile survey should be conducted. No such survey has been submitted as part of this application and further no mitigation proposed.

A condition to require such a survey would not be considered appropriate as the necessary survey is required to inform the decision in respect of the acceptability of the proposed development. As such the proposal is considered to risk harm to protected species contrary to the NPPF and Local Plan Policy CL8.

FLOOD RISK

The application site is within Flood Zone 1, wherein the site is not in an area at risk of flooding and as such is suitable for development in this regard.

However, the site is currently an area of undeveloped land, the development of which could increase the risk of surface water flooding off-site. Suffolk County Council Flood and Water Team advises that ground investigations including soakage tests need to be undertaken to establish whether the proposed use of infiltration type drainage is possible. Without the details SCC are unable to advise whether proposals are adequate or whether they increase flood risk off-site.

CONCLUSION

The proposal is not considered to represent sustainable development within the meaning set out in the NPPF, with no other material considerations to outweigh this, such that the adverse impacts are considered to outweigh the benefits, contrary to the golden thread of sustainable development set out by the NPPF.

Furthermore the proposal risks harm to protected species by reason of lack of reptile surveys, contrary to the NPPF and Local Plan Policy CL8.

The proposal is also considered to risk harm by reason of an increase in off-site flooding, contrary to paragraphs 94, 100 and 103 of the NPPF.

RECOMMENDATION

That Authority be delegated to the Development Management Corporate Manager to refuse the application for the following reasons:

1. The proposal is not considered to form sustainable development within the criteria set out by the NPPF, by reasons of the location of the site in relation to services resulting in reliance on the private motor car, and the risk harm to biodiversity, contrary to the requirements of paragraph 7 to improve biodiversity, such that the proposal is considered to be contrary to the principles of sustainable development. Furthermore the proposal lacks social and economic benefits to outweigh this. No exceptional circumstances or other material considerations have been demonstrated to outweigh the harm identified in this respect. The proposal is therefore considered to be contrary to the NPPF, Policies CS2 and CS5 of the Mid Suffolk Core Strategy (2008), Policies GP1 and CL8 of the Mid Suffolk Local Plan (1998) and policies FC1 and FC1.1 of the Mid Suffolk Core Strategy Focused Review (2012).

2. The application as submitted fails to demonstrate that the development would not risk harm to biodiversity by reason of insufficient information with regards to the need for a reptile survey, such that the proposal is contrary to paragraphs 109 and 118 of the NPPF, Policy CS5 of the Mid Suffolk Core Strategy (2008), Policy FC1 of the Core Strategy Focused Review (2012) and Policy CL8 of the adopted Mid Suffolk Local Plan (1998).

3. The application as submitted fails to demonstrate that the proposed development would not increase the risk of flooding off-site through adequate mitigation measures compliant with national or local standards. As such the proposal conflicts with the aims of Para. 107 of the NPPF and Para, 107 of the associated Practice Guidance, Policy CS4 of the Mid Suffolk Core Strategy (2008) and Policies FC1 and FC1.1 of the Core Strategy Focused Review (2012).

4. The proposal would make inadequate provision/contributions for community and other facilities/services for the occupants of the dwellings. The applicants have not entered in to the necessary legal agreement, which is required to ensure the following are provided:

-The provision of 35% of the dwellings as on-site Affordable Housing -Financial contributions toward primary and secondary school places, libraries, and waste -The adoption of the access to the site and estate road within the site -Management Plan to deal with the provision and maintenance of open space

The Proposal is therefore contrary to the NPPF, saved Policy CS6 of the Mid Suffolk Core Strategy (2008), Policy FC1.1 of the Core Strategy Focused Review (2012) and saved

Altered Policy H4 of the adopted Mid Suffolk Local Plan First Alteration.

Philip Isbell Corporate Manager - Development Management Gemma Walker Senior Planning Officer

APPENDIX A - PLANNING POLICIES

1. Mid Suffolk Core Strategy Development Plan Document and the Core Strategy Focused Review

Cor2 - CS2 Development in the Countryside & Countryside Villages Cor5 - CS5 Mid Suffolks Environment CSFR-FC1 - PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT CSFR-FC1.1 - MID SUFFOLK APPROACH TO DELIVERING SUSTAINABLE DEVELOPMENT

2. Mid Suffolk Local Plan

GP1 - DESIGN AND LAYOUT OF DEVELOPMENT
H16 - PROTECTING EXISTING RESIDENTIAL AMENITY
H17 - KEEPING RESIDENTIAL DEVELOPMENT AWAY FROM POLLUTION
CL8 - PROTECTING WILDLIFE HABITATS
HB13 - PROTECTING ANCIENT MONUMENTS
HB1 - PROTECTION OF HISTORIC BUILDINGS
H13 - DESIGN AND LAYOUT OF HOUSING DEVELOPMENT
H14 - A RANGE OF HOUSE TYPES TO MEET DIFFERENT ACCOMMODATION NEEDS

H15 - DEVELOPMENT TO REFLECT LOCAL CHARACTERISTICS

3. Planning Policy Statements, Circulars & Other policy

NPPF - National Planning Policy Framework

APPENDIX B - NEIGHBOUR REPRESENTATIONS

Letters of representation have been received from a total of 8 interested parties.

The following people **objected** to the application

The following people supported the application:

The following people commented on the application:

143