

Committee Report

Item No: 1

Reference: 1352/17

Case Officer: Elizabeth Thomas

Ward: Rickinghall & Walsham.

Ward Member/s: Cllr Jessica Fleming. Cllr Derek Osborne.

Description of Development

Outline application with all matters reserved except access for the erection of up to 60 dwellings

Location

Land West of Wattisfield Road, Walsham-Le-Willows IP31 3BD

Parish: Walsham-Le-Willows

Site Area: 2.80ha

Conservation Area: no

Listed Building: no

Received: 05/04/2017

Expiry Date: 31/03/2018 on EOT

Application Type: OUT - Outline Planning Application

Development Type: Major Small Scale - Dwellings

Environmental Impact Assessment:

Applicant: New Hall Properties (Eastern) Ltd

DOCUMENTS SUBMITTED FOR CONSIDERATION

The application, plans and documents submitted by the Agent can be viewed online at www.midsuffolk.gov.uk.

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.
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PART TWO – APPLICATION BACKGROUND

History

There is no specific planning history in relation to this site per se. However, it is important to highlight the Council also has a live application pending consideration (DC/17/02783 – Land opposite Broad Meadow, Walsham le Willows), which is proposed to be located the opposite side of Wattisfield Road (east) and seeks outline planning permission with all matters reserved for up to 22 dwellings. This live pending application is a material consideration in this case.

Furthermore, the existing development at Broad Meadow (south/east of the application site in question) was granted under applications 1137/87, 0336/86/OL and 0269/09, which again are material considerations in this case, although they are more historic decisions due to the developments established pattern and form of development, it forms part of the immediate character in this case for consideration.

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.

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

Walsham-le-Willows Parish Council

Comments 16th May 2017

Strongly objects to the proposal on the following grounds:

- Increased traffic will impact on the village. The road is a country lane. The traffic survey is flawed and misleading
- Add pressure to school places, which is not able to expand needing to travel further
- Pressure on local doctors
- Outline application and insufficient information to assess

Comments 13th and 15th May 2017

In summary, strongly objects.

The PC undertook a housing needs survey in 2015 to establish the views of the local community a need for affordable housing scheme was identified. Walsham Le Willows is a primary village with facilities getting fewer. It is likely most people will use the car for journeys. Traffic will increase and the road is narrow. Comments have also been made to footways. The school will struggle to cope with the increase of pupils. Protecting wildlife habitats need to be protected a more in depth biodiversity/ecology survey is requested. Concerns raised with regard to sewage works on Badwell Road. Doctors surgeries will be affected as a result of the development.

The consultation process for such a major development is considered inadequate, there has been no public consultation with the village community regarding this development, the PC are trying to arrange a meeting with the developer to take input from the village residents. Request for the case to go to planning committee and for a site meeting be undertaken.

Comments 9th June 2017

Walsham-le-Willows parish council object to the proposal and recommend the following grounds for refusal:

- The proposal does not meet the definition of sustainable development as set out in the NPPF with regard to prematurity
- Contrary to MSDC policy CS2
- The illustrative masterplan does not meet the needs of the local community. It will do little to build strong responsive and competitive economy in the village and would create isolated development on the periphery
- Fails to demonstrate economic well-being and enhancement of Walsham-le-Willows
- Unable to demonstrate footpath
- Implications of granting consent would go beyond Walsham-le-Willows
- School has no further capacity to absorb growth
- Need more information on biodiversity/ecology survey to be carried out
- The Neighbourhood plan will address capacity issues. The application should not be granted permission until work on the Neighbourhood Plan is further advanced. The application should go before planning committee and that a site meeting is undertaken

Comments 18th Sept 2017

No further comment.

Housing Enabling Officer (Strategic Housing)

The proposal triggers affordable housing requirement under Policy H4 of the Mid-Suffolk Local Plan. It is recommended that there is a broad mix of open market housing on this scheme incorporating the majority of units as 1, 2 and 3 bedroom with a much smaller element of 4+bedrooms to reflect this trend.

Environmental Health (contamination)

No objection with regard to land contamination. However, it is the responsibility of the developer to inform if contamination is found.

Archaeology

The site sits within area of archaeological potential. There are no grounds to consider refusal. In order to achieve preservation in situ of any important heritage assets before damage or destroyed conditions have been recommended.

Rights of way and access team (PROW)

As a result of anticipated increase use SCC may seek contribution for improvements to the network to be submitted with Highways response in due course.

No objection recommended informative to be added.

Arboricultural Officer

The main features potentially affected by this proposal are a native hedgerow and mature oak tree along the northern boundary of the site. These need to be incorporated within a layout design and provided with appropriate space and protection, if so no objection in principle.

Natural England

Comments 4th May 2017

No comments to make on this application.

Natural England standing advice can be used to assess impacts on protected species you may also wish to consult ecology services.

Lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes.

Suffolk Fire and Rescue

Fire hydrants are recommended to be installed within this development on a sustainable route for laying hose. Currently, it is not possible to determine the number of fire hydrants required for firefighting purposes. The requirements would be determined at the water planning stages when site plans have been submitted by the water companies. Proper consideration also needs to be given to the sprinkler system. Consultation should be made with the Water Authorities to determine flow rates in all cases.

Further comments 2nd May 2017

Adequate provision is required for fire hydrants, by the imposition of a suitable planning condition. Fire hydrants are to be installed retrospectively on major developments if the Fire Authority is not consulted at the initial stages of planning to include within the S106.

NHS England (Primary Healthcare provision incorporating West Suffolk Clinical Commissioning Group)

The development is not of a size and nature that would attract a specific Section 106 planning obligation.

The proposal for 60 dwellings due to its likely impacts on primary healthcare provision, specifically with regard to catchment of development, therefore, the impacts are expected to be assessed and mitigated by CIL.

Travel Plan Officer

Any response in regard to the Travel Plan element of the highway mitigation will form part of the formal SCC highways response to comply with the overarching principles of Travel Plans and Transport Assessments section of the 2014 PPG and internal protocol.

Highways England

Offer no objection.

Highways

Latest highways comments 12th Oct 2017

Further drawings and supporting evidence in relation to a footway along Wattisfield Road from the application site to link with the existing footway to the south of Mill Close have been provided. The additional work demonstrates that a footway can be provided utilising existing highway land whilst maintaining a suitable road width. Therefore, the initial highways objections have been overcome. It is accepted the proposed new footway will vary in width due to the availability of land, but it will generally be wider than the existing footways to the south.

The Highway Authority does not approve all the proposed design details as shown on submitted Drawing, Number 1860-06 Revision A, but is content that precise details can be agreed at the reserved matters stage. On this basis a suitable condition will be recommended for this outline application such that the application may now be supported in highway terms.

Following conditions recommended:

- Highway improvements
- Vehicular access
- Details of estate roads and footpaths
- footways serving that dwelling have been constructed
- HGV traffic movements
- manoeuvring and parking of vehicles
- visibility splays
- (Informative) works within the public highway
- (Informative) Public utility apparatus
- (Informative) recommend developers enter into formal agreement with the Highways Authority under Section 38 of the Highways Act (1980)

The Suffolk County Council Highways Development Management Engineer has re-checked the Submitted Transport Assessment, and confirms in an email dated 29/01/2018 the traffic counts and speed surveys were carried out in the week before half term holidays, and has no further comment.

SCC Planning Obligations Officer

The requirement being sought here would be requested through CIL and therefore would meet the new legal test.

- Education contribution - £424,434.00
 - Pre-school contributions £36,546.00
 - Consideration needs to be given to adequate play space provision
 - Transport – requirements would be dealt with via planning conditions and Section 106 agreement as appropriate and infrastructure delivered to adoptable standards via Section 38 and Section 278.
 - Libraries - £12,960.00
 - Waste - £0
 - Supported housing – expectation that a proportion of the housing and/or land use to be allocated for housing with care for older people
 - Sustainable Drainage Systems within major development scheme (10 dwellings or more) should be provided unless demonstrated to be inappropriate. Relevant flood authority on the management of surface water
 - Archaeology – to refer to archaeology officer comments
 - Fire Service – early consideration is to be given to access for fire vehicles and provision of water for fire-fighting.
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- Superfast broadband – recommended that all development is equipped with high speed broadband (fibre optic), line speeds should be greater than 30Mbps using a fibre base broadband solution rather than exchange based connections.

Further comments 3rd November 2017

The CIL contributions already requested in the response of 10th May 2017 are still valid. The second letter raises the cumulative impact with another application for 22 dwellings. As the joint LP consultation has now commenced this is an update relating to primary school provision.

Again no surplus places at the catchment primary school and the school cannot expand within its current site the forecast to have no surplus places, the 15 primary pupils arising from this development need to be considered along with the second undetermined application for planning permission generating a further 6 primary school pupils.

The County cannot guarantee that all pupils from the development will be able to find a place at the catchment primary school. Consequently the % of out of catchment pupils has been considered. The latest census data for Walsham-le-Willows from May 2017 states 138 pupils on roll and of these 41 pupils were out of catchment. Therefore, the school admission policy and make additional provision is applied. In the short-term there would be an unsustainable school patters, but overtime the out of catchment school patterns is expected to work its way through via applying the admissions policy.

The primary school is not the catchment school and the County council will be required to fund school transport costs arising which are estimated at £750 per annum per pupil. The policy is that we will provide transport when a child under 8 years of age and lives more than 2 miles from their nearest or catchment school and for those who are 8 and over 3 miles. However, the catchment school has no surplus places available the next nearest primary school is 3 miles away. A total cost of £51,000 will arise in terms of additional school transport costs due to no surplus places being available at the catchment Primary school this will be covered by a planning obligation (s106).

Landscape comments (Place Services)

The proposal would have an impact on the landscape. Should the application be approved the following is recommended:

- Transition between existing residential areas and proposed development needs to be explored in great detail, to provide suitable levels of screening and the appropriate specification of planting to address character or the surrounding landscape. The illustrative masterplan fails to achieve this.
- Landscape Impact Assessment (LIA) will be required, which is to include mitigation measures including viewpoints from the PROW's and surrounding settlements
- In conjunction with the LIA a Landscape Strategy should be produced to inform and influence any detailed landscape design on site, which also needs to include landscaping to be reinforced and retain existing planting within the site.

The proposal sets out how an appropriate and connected green infrastructure responds to the layout through the attenuation pond as part of SuDS. However, as these as any proposal develop a greater level of detail will be required to make the development compliment the rural character of the village. Including views from different perspectives, and the response to tree and hedge planting to provide the adequate screening of the development from surrounding fields and existing settlements, currently, the design and access statement is not detailed enough.

The site is within the Ancient Plateau Claylands landscape character type in accordance with the Suffolk Landscape Character Assessment. Some of the key considerations are flat or gently rolling arable landscape dissected by small river valleys, field pattern of ancient enclosure, loosely clustered villages, scattered ancient woodland parcels and hedgerow with hedgerow trees.

The development would need to take account of the key characteristics to ensure the development sensitively integrates to prevent negative visual effect. The landscape plan will need to provide comprehensive vision for the site to show how it can respond to the surrounding landscape.

Ecology (Place Services)

No objection subject to condition to secure ecological mitigation and enhancement measures:

There is now sufficient ecological information available to understand the likely impacts of development on Protected Species i.e. Gt crested newts and bats, Priority habitats e.g. hedgerows and Priority species e.g. hedgehog, hare & farmland birds such as skylark and lapwing.

Suffolk Wildlife Trust

Comments 30/01/2018

Further to our letter of 25th July 2017, we note the proposed provision of the land for skylark habitat compensation to the north of the application site (drawing ref. MH647-03 Rev A). We consider that this addresses our comments made in relation to this species, subject to the provision being secured for the life of the development (should permission be granted). The rest of our comments remain as per comments of the 25th July 2017.

Comments 25/07/2017

Bats are present in the area. The masterplan shows buffering of the northern boundary vegetation along with new planting on the western boundary, no new planting along the southern or eastern boundaries. The absence of such landscaping means failure to buffer the existing boundaries and to maximise the sites potential for bats. No evidence of great crested newts.

Comments 18/05/2017

Objection, Further survey work for great crested newts and bats are required in order to inform of the likely impacts of the proposed development on these species and to identify any necessary mitigation measures. Such surveys do not appear to accompany this application.

In the absence of this, it is not possible to fully identify the likely impacts of the proposed development on identified protected species. In accordance with ODOM Circular 06/2005 this information must be available prior to the determination of this application.

Furthermore, it addition habitat for hedgehogs and skylarks is necessary. The ecology assessment does not appear to consider potential impacts on and mitigation for these species. Further information is needed. Currently the proposal fails to demonstrate that it will not result in adverse impact on protected species.

SCC waste management services

No objection subject to condition.

Suffolk Constabulary (Designing out crime)

Not enough information to comment on the proposal being outline

Has provided recommendations to be taken into consideration at the reserved matters stage. Mid-Suffolk Core Strategy 2008 (updated in 2012) at section 1 para 1.19 refers to safe communities. Section 17 outlines the responsibilities placed on local authorities to prevent crime and dis-order.

Anglian Water

There are no assets owned by Anglian Water or those subject to an adoption agreement within the site development boundary.

The catchment area of Badwell Ash will have capacity for foul drainage. The sewerage system at present has available capacity for these flows. If the developer wishes to connect to Anglian Water sewerage they should serve a notice under Section 106 of the Water Industry Act 1991.

Anglian Water is unable to provide comment on the suitability of the surface water management as it does not relate to Anglian Water operated assets. The LPA are advised to seek advice from the LLFA or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into the watercourse, should the proposed method of surface water management change Anglian Water request to be re-consulted.

Suffolk County Flood and Water Management

Comments 19th May 2017

Approval subject to the following recommended surface water drainage conditions:

- Surface water drainage scheme in accordance with the approved FRA
- Dimensioned plans and drawings
- Infiltration testing
- If infiltration is not possible than modelling shall be submitted to demonstrate surface water runoff
- Modelling of the surface water drainage scheme to show attenuation/infiltration features will contain the 1 in 100 year rainfall
- Modelling of the surface water conveyance network in the 1 in 30 year rainfall event to show no above ground flooding and modelling of the volumes of any above ground flooding from the pipe network in a 1 in 100 year climate change rainfall event, along with topographic plans showing where the water will flow and be stored to ensure no flooding of buildings or offsite flows.
- Topographical plans
- Scheme implemented as approved
- Concurrent with the first reserved matter application(s) details
- No occupation until Sustainable Urban Drainage System components and piped networks have been submitted to and approved in writing by the LPA and the inclusion on the LLFA risk asset register
- Construction surface water management plan
- (Informative) works to watercourse, discharge to watercourse or groundwater and discharge of surface water to a watercourse that drains into an Internal Drainage Board catchment maybe subject to payment

Heritage team

The conservation area of Walsham le Willows is focused on the historic core of the village. The proposal is not considered to alter the historic core or relationship of the village conservation area with its surrounding landscape. The proposal is not considered to represent harmful impact on the character or appearance of the Conservation Area or on the settings of the listed buildings near Wattisfield Road.

Viability

Comments 25th Jan 2018

The Viability officer has provided additional comments through undertaking a more detailed review of the New Hall viability report. It is considered the scheme is viable and can afford the following contributions:

1. 20% affordable housing
 2. CIL contribution of £648,485
 3. S278 - £175,000
 4. School bus £51,000
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Comments 18th Dec 2017

Detailed information has been provided on build costs, sales values and abnormal costs. 20% provision is the maximum amount for affordable housing that could be provided in order for the scheme to remain viable in accordance with national guidance.

B: Representations

There have been a number of objection/comment representations received raising the following planning matters/concerns:

More housing not needed and infrastructure not in place to accommodate increase in population

School cannot expand and close to capacity

Loss of open space and views affecting the character of the area and house value

Limited services and facilities

Hazard access and increase in traffic and parking

Increase in noise levels

Increase in speeding along roads creating danger

Sewage treatment operation not able to cope

Residential amenity issues

No footpath leading into the village

Light pollution from new development

Ecology survey is incorrect; there are protected species in the vicinity irrespective of it being a arable field

Hedgerow under threat from development of land and habitats lost

Protect species numbers have fallen and the development will block their access routes

The proposal will be outside the boundary

Erode the character of the village

Broadband speeds are poor in the area

It is understood of the housing needs across the country, but impacts need to be considered

Building on greenfield land

Increase in congestion and pollution

The development is too large

Flood issues could be apparent for the village and the sewerage system cannot cope

Disagree with the transport statement and question the knowledge of MTC's Engineers

Access for emergency vehicles

Village survey suggests only need a further 15 additional new homes

Lack of infrastructure and development is outside the village boundary

Question the validity of the application

Potentially not all land belongs to the highway and may belong to other private properties

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.

During this application process the case officer has changed and additional information has been provided to overcome some of the consultation responses issues raised, which have been addressed within this report.

1. The Site and Surroundings

1.1 The site in question is currently open countryside and approx. 2.80ha of agricultural land (grade 3). The site contains a natural enclosure from the wider open countryside due to the existing mature hedges and trees that surround the site to the north/west. There is also a public footpath that runs along the north western edges of the site, which would help to naturally include the site with the existing southern built form. It has been acknowledged on the Illustrative/Indicative masterplan for the existing tree and hedgerow belt to be retained and enhanced, which is also accompanied with an off-site habitat enhancement area.

1.2 The site is adjacent to the settlement boundary of Walsham-le-Willows, which is a designated primary village in accordance with Policy CS1 of the adopted Mid-Suffolk Core Strategy (2008), and is known as a Core Village in the emerging Babergh & Mid-Suffolk Joint Local Plan. The site in question is allocated (site ref SS0040) as a potential development site in accordance with the Babergh & Mid Suffolk Joint Local Plan: Consultation Draft – August 2017 (page 304). However, no weight can be given to this document for Development Management purposes due to the document being at the very early stages of the plan-led process, which is at Planning Policy stage Regulation 18 consultation. However, what this does show is the very early stages of draft strategic thinking for potential allocations in this area.

1.3 Walsham-le-Willows being a primary village some basic local services can be found to meet local Needs, affordable housing is appropriate in this case and school provision will be addressed later in this report.

2. The Proposal

2.1 This proposal seeks outline planning permission with all matters reserved except for access for the erection of up to 60 new dwellings. The proposal also includes affordable housing, open space and landscaping in accordance with the submitted design and access statement. The development is also to provide a new footway link. The proposal would be accessed via Wattisfield Road, which leads into the village to the south and out to the countryside to the north. The proposal triggers 20% affordable housing requirement. This could equate up to 12 affordable units (20% of 60 = 12).

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 proposal.

NPPF section 01: Building a strong competitive economy

NPPF section 03: Supporting a prosperous rural economy

NPPF section 04: Promoting sustainable transport

NPPF section 05: Supporting high quality communications infrastructure

NPPF section 06: Delivering a wide choice of high quality home

NPPF section 07: Requiring good design

NPPF section 08: Promoting healthy communities

NPPF section 10: Meeting the challenge of climate change, flooding and coastal change

NPPF section 11: Conserving and enhancing the natural environment

NPPF section 12: Conserving and enhancing the historic environment

4. Core Strategy

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

FC01 - Presumption In Favour of Sustainable Development
FC01_1 - Mid Suffolk Approach to Delivering Sustainable Development
FC02 - Provision and Distribution of Housing

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

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

5. Neighbourhood Plan/Supplementary Planning Documents/Area Action Plan

5.1. There is currently no neighbourhood plan for Walsham le Willows or the parish of Rickingham & Walsham, where this site is located.

5.2 There is a Village Design Statement for Walsham le Willows (2007)

5.3 An initial Joint Local Plan consultation has been undertaken back in August 2017 which was for the early stages of consultation Regulation 18.

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:

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
GP01 - Design and layout of development
SB02 - Development appropriate to its setting
HB14 - Ensuring archaeological remains are not destroyed
HB13 - Protecting Ancient Monuments
HB14 - Ensuring archaeological remains are not destroyed
H07 - Restricting housing development unrelated to needs of 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
 RT12 - Footpaths and Bridleways
 GP01 - Design and layout of development
 HB14 - Ensuring archaeological remains are not destroyed
 GP01 - Design and layout of development
 CS04 - Adapting to Climate Change
 CS09 - Density and Mix
 CS01 - Settlement Hierarchy
 CS02 - Development in the Countryside & Countryside Villages
 FC02 - Provision and Distribution of Housing
 CS04 - Adapting to Climate Change
 CL08 - Protecting wildlife habitats
 RT04 - Amenity open space and play areas within residential development
 HB01 - Protection of historic buildings
 H07 - Restricting housing development unrelated to needs of countryside

7. The Principle of Development

7.1 The site is located outside the defined settlement boundary although adjacent to it in accordance with the Inset proposal map 84 of the Mid-Suffolk Local Plan (1998). The Council acknowledges that it is unable to demonstrate a five year supply of deliverable housing land within the Mid-Suffolk district, as required by paragraph 47 of the National Planning Policy Framework (NPPF), currently the Mid-Suffolk land supply sits at 3.9 years in accordance with the AMR (2016-2017). Therefore, paragraph 14 and 49 of the NPPF apply and are invoked in the decision-making process, as the Supreme Court Judgement (Suffolk Coastal District Council (Appellant) v Hopkins Homes Ltd and another (Respondents) Richborough Estates Partnerships LLP and another (Respondents) v Cheshire East Borough Council (Appellant)) is relevant in confirming that a shortfall in housing land supply triggers the second part of paragraph 14 (NPPF). This means the proposal should be considered in the context of the presumption in favour of sustainable development, for the purposes of decision-making, granting planning permission unless the adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF, taken as a whole. As such, this report focuses on a balanced assessment between any harms and any benefits of the proposal to conclude a sound recommendation.

7.2 It is also important to highlight the aforementioned judgement confirms that the narrow interpretation should be used in establishing whether a policy relates to the supply of housing. The narrow interpretation states: *limited to policies dealing only with the numbers and distribution of new housing, and excluding any other policies of the development plan dealing generally with the disposition or restriction of new development in the authority's area*. It is fair to say not all Mid-Suffolk's local housing policies should be considered out-of-date as they are not all specific to housing numbers and distribution. It is considered a matter of planning judgement for the decision-maker to have regard to the amount of weight attributed to such policies in their decision-making, and in this case whilst consideration has been given to Mid-Suffolk's local housing policies CS1, CS2 and FC2 in the first instance, paragraph 14 and 49 of the NPPF have been given full weight, with the absence of a full 5-year land supply.

8. Sustainability Assessment of Proposal

8.1 The NPPF (Para 187) provides 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 Concerns have been raised through the consultation process regarding the location of the proposal site outside the designated settlement boundary and being contrary to saved local plan policies, in reviewing all local policies (specifically Mid-Suffolk housing policies CS1, CS2 and FC2), national policies and all material considerations in this case. It is evident the Council are unable to demonstrate a 5-year housing land supply (para 47, NPPF) and as such local plan policies receive less weight allowing the NPPF to receive more weight in the decision-making process, specifically having regard to para 14 and 49 of the NPPF.

8.3 Refusing the application solely based on the development being outside the development boundary and on greenfield land does not accord with the NPPF, which seeks to consider the sustainability of the development in relation to the environmental, social and economic roles of sustainability to be sought jointly through the planning system.

8.4 The proposal has highlighted (as assessed further below in this report) the development would give rise to some issues, such as design & layout, highways/footways/transportation, archaeology, ecology/landscape, and the assessment of cumulative impacts.

8.5 However, it is clear this application has addressed certain matters to satisfy this outline proposal and the rest of the detailed matters could be overcome and mitigated via conditions, CIL and s106 agreement, and despite the proposal being located in the countryside outside the development boundary, but adjacent to it, the proposal when assessed as a whole is considered to represent a sustainable development due to its significant benefits from a social and economic perspective, which outweighs any modest harm to the environmental aspects.

8.6 In addition, although accessibility to services and facilities are considered less than those of a main town or key service centre (KSC) the site is positioned adjacent to a designated primary village in accordance with Policy CS1 and as such, is higher up the settlement hierarchy (just below a KSC) and capable of limited growth that needs to be established. As identified earlier in this report currently the Council does not have a 5 year housing land supply and the allocation for sites is in the early stages of the plan-led process. Therefore, although this application could be considered premature and speculative, due to the local policy position this is not a reason for refusal as all cases have to be determined on their own merits.

8.7 Therefore, this proposal is not considered to have any significant harmful cumulative impacts that would override the significant benefits this proposal would create. For the reasons set out and comprehensively assessed this proposal is considered to comply with all relevant local and national policies and is considered to represent a sustainable development subject to imposed conditions, CIL and s106 agreement in the context of the NPPF and is therefore recommended for approval.

8.8 The main matters pertinent to this proposal and assessed below are:

9. Indicative design, layout, archaeology, and heritage
10. Landscape (inc; trees and hedgerows), ecology and biodiversity impact
11. Environmental Impacts – pollution/contaminated land, drainage and flooding matters
12. Highways including access consideration

13. Impact on Residential amenity
14. Other matters/third party representations
15. Viability
16. Planning obligations (s106) and CIL

9. Indicative design, layout, archaeology & heritage

9.1 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, Local 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 provisions of the NPPF.

9.2 The Illustrative/indicative layout identifies how the site could accommodate up to 60 new dwellings, subject to appropriate design detail being agreed at reserved matters stage. The consultation process has clearly highlighted the design and layout of the site will be determined by relevant statutory consultees being satisfied at reserved matters stage to reach a comprehensive successful scheme. The Illustrative/indicative proposal identifies any such scheme at reserved matters stage will ensure efficient use of the land, which will accord with the provisions of the NPPF.

9.3 The consultation responses show the Highways Authority and Suffolk Constabulary, with regard to parking areas, car ports, garages (surveillance) do not fully support the indicative design and layout and recommendations for improvement have been made to be sought at the reserved matters stage. Also, the public rights of way team (PROW) may seek contribution for improvements to the network. The waste management service has informed consideration needs to be given for 26tonne dustcart and the suitability of the surface and manoeuvrability along with appropriate wheeled bin locations. The fire and rescue service require fire hydrants to be installed within the development on a sustainable route for laying hose, which can be determined at the water planning stages submitted via the water companies, and also consideration will need to be given to the sprinkler system. The planning obligations officer has identified consideration needs to be given to adequate play space provision, care for older people, sustainable drainage systems, superfast broadband via fibre optic.

9.4 The strategic housing officer has identified the 2014 Suffolk Housing Needs Survey shows there is a high demand for smaller homes across all tenures. Affordability issues are a key driver for this increased demand for smaller homes. As such, the strategic housing officer has set out requirements within their consultation responses that will be dealt with at reserved matters stage.

9.5 The site is known to sit within an area of archaeological potential and as such any artefact(s) found are to be preserved in situ of any important heritage assets before damage or destroyed, as such relevant conditions will be applied. The heritage team have informed the conservation area of Walsham-le-Willows is focused on the historic core of the village and as such the proposal is not considered to alter the historic core or relationship of the village conservation area with its surrounding landscape. Furthermore, the proposal is not considered to have any harmful impact on the character or appearance of the conservation area or listed buildings. In my opinion, subject to satisfactory reserved matters proposal is considered to comply with Local Plan Policies GP01, HB01, HB14, H13, H15 and Section 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

10. Landscape (inc; trees and hedgerows), ecology and biodiversity Impact

10.1 Paragraph 58 of the NPPF states that proposals should provide appropriate landscaping to ensure that they integrate well into the surrounding locality and this requirement is repeated in one of the requirements of Mid-Suffolk local policy H13. Also, Policy CS5 seeks to protect and conserve landscape qualities taking into account the natural environment and the historical dimensions 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 in question is not designated in any way and is not subject to the protection afforded in the NPPF. However, the site is situated within the countryside and is still important to protect and enhance appropriately in accordance with Section 11 of the NPPF. But, also in accordance with the Suffolk Landscape Character Assessment the site is within the Ancient Plateau Claylands landscape character type. This means the area is characterised by flat or gently rolling arable landscape dissected by small river valleys, field pattern of ancient enclosure, loosely clustered villages, scattered ancient woodland parcels and hedgerow with hedgerow trees all of which needs to be taken into account at the details stage.

10.3 Given the scale of the proposal it is inevitable any scheme would have an impact on the landscape and would change the existing appearance to a significant degree. Therefore, at reserved matters stage the scheme would need to take account of the Landscape officer advice and recommendations to ensure new development sensitively integrates to prevent negative visual effect. Comprehensive vision of the site will need to be demonstrated from the surrounding landscape.

10.4 The native hedgerow and mature oak tree along the northern boundary of the site could be potentially affected. Therefore, it is recommended these existing natural aspects that form part of the character of the area will need to be incorporated within a layout design and provided with appropriate space and protection. The indicative submitted layout shows how the existing tree and hedgerow belt along the northern and western boundaries of the site can be retained and enhanced as part of the proposal.

10.5 Natural England has not provided any comprehensive comments, but has noted the proposal is unlikely to cause any significant impacts on the conservation area or landscape.

10.6 Originally the Ecology officer and the Suffolk Wildlife Trust objected to the proposal as there was a lack of survey work with regard to protected species. However, additional survey work has been provided and is considered satisfactory. The latest comments from the ecology officer informs the additional information identifies protected species are absent from the water bodies and sufficient ecological information to understand priority habitats e.g. hedgerows and Priority species e.g. hedgehog, hare & farmland birds such as skylark and lapwing. It is considered that a suitable scheme could be provided in accordance with relevant Local Plan Policies at reserved matters stage. Relevant conditions are recommended and will be imposed.

10.7 The Suffolk Wildlife Trust inform proposed provision for skylark habitat compensation to the north of the application site and is considered to address comments made in relation to species, subject to the provision being secured for the life of the development all other comments remain. It is considered such details can be addressed at reserved matters stage.

11. Environmental Impacts – pollution/contaminated land, drainage and flooding matters

11.1 Paragraph 121 of the NPPF makes clear that planning decisions should make sure that the site is suitable for new use taking account of the hazards of any previous use. The Environmental Health Officer has not raised any objection with the proposal, but has made clear it is the responsibility of the developer to inform if contamination is found. The Suffolk County Flood and Water Management Officer has recommended surface water drainage conditions.

11.2 As previously mentioned earlier in this report the land in question is grade 3 agricultural land that is currently being farmed. Grade 3 land is not the best and most versatile in accordance with paragraph 112 of the NPPF. It is however, fair to say as a result of the proposal there will be a loss of approx 2.80ha of land that is currently used for food production and contributes to the local economy, which its loss will create a negative impact.

11.3 Paragraph 100 of the NPPF makes clear that inappropriate development in areas of flood risk should be avoided by directing development away from areas of high risk. Mid-Suffolk's Local Policy CS4 is in line with the requirements of the NPPF in terms of flood risk and therefore carries significant weight.

11.4 The County flood and water management officer has not raised any objection to the proposal and recommends a number of relevant conditions. Also, Anglian Water have confirmed there are no assets they owned by Anglian Water or those subject to an adoption agreement within the site development boundary. Badwell Ash catchment area has capacity for additional foul drainage. If the developer wishes to connect to Anglian Water sewerage they will need to agree notice via s106. The County flood and water management have been consulted in this case as advised by Anglian Water.

11.5 Having regard to the above, it is considered in terms of flood risk, water supply, drainage and contamination that the scheme can be made acceptable subject to appropriate conditions and s106 to meet the requirements of para 100 of the NPPF and local policy CS4.

12. Highways including access consideration

12.1 Policy T10 of the Mid-Suffolk Local Plan requires Local Planning Authorities to consider a number of highway matters when determining planning applications, including; the provision of safe access, the safe and free flow of traffic and pedestrian safety, safe capacity of the road network and the provision of adequate parking and turning for vehicles. Policy T9 supplements policy T10, requiring proposals to provide areas of parking and manoeuvring in accordance with the parking standards adopted by the district. Paragraph 32 of the NPPF confirms that development should only be prevented or refused on transport grounds where the residential cumulative impacts or development are severe.

12.2 The original comments of the highway officer was to refuse the proposal with regard to no footway links, and that the design creates the reliance on the private car and reduced access visibility for some properties. Since these comments additional information has been provided in relation to addressing these issues insofar as it has been demonstrated the application site is to link with existing footway to the south of Mill Close, which can be provided utilising existing highways land, whilst maintaining a suitable road width. Which has been sufficient for the highways officer to remove their objections, in addition the highways officer accepts the proposed new foot way would vary in width due to the availability of land, but it would generally be wider than the existing footways to the south. The highway officer has also informed they do not approve all the proposed design detail as shown on drawing number 1860-06 Rev A of the additional information submitted on the 17th August 2017, but is satisfied the details can be addressed and agreed at the reserved matters stage. The highways officer has recommended relevant conditions that would be imposed on the decision.

12.3 Some third-party objection representations have been received with regard to road dangers and speeding, as identified above statutory related highway matters have and can be over come via the reserved matters application. It is also important to note there is a 30mph speed limit restriction in place along Wattisfield Road up towards the north of the application. Also the Parish Council have raised concerns that they feel the traffic survey was undertaken within the school half-term week. The agent has provided additional information to the case officer through a series of three emails dated the 25th January 2018. The additional information shows. The highways survey (undertaken by Road Data Services and included in the MTC's transport statement) was checked against the dates of the Walsham-Le-Willows CEVCP school holiday dates. The speed survey was undertaken between the 3rd February 2017 and the 9th February 2017. These dates are written on the speed data sheets which can be found at appendix 2 of the transport statement. According to the Primary school website the half-term week was the week commencing the 13th February. The agent has also explained the equipment used to undertake the survey work was left on site during half term week following conclusion of the survey, which may help explain the concerns for the Parish Council.

12.4 County transportation costs with regard to primary school provisions for the additional school pupils have been covered in the planning obligations and CIL section of this report. Transportation requirements would be dealt with via planning conditions and s106 as appropriate and infrastructure delivery to adoptable standards via Section 38 and Section 278.

13. Impact on Residential Amenity

13.1 Policies within the Mid-Suffolk local plan such as H13 and H16 (amongst other matters) require that development does not materially or detrimentally affect the amenities of the occupiers of neighbouring properties or future occupiers. This requirement is also in line with the NPPF core values (para 17), to seek good standard of amenity for all existing and future occupants of land and buildings.

13.2 This proposal is in indicative outline form to show an indication for up to 60 new dwellings could be accommodated on the site. However, the detail of such scheme are not being approved as part of this application, which only focuses on the principle of residential use and access all other matters are to be assessed at the subsequent reserved matters stage.

13.3 It is considered a scheme could be designed to prevent any significant impacts on residential amenity. The consultee responses have highlighted a number of factors that will need to be considered into the final design and layout of the proposal, which in-turn will determine the appropriate number of dwellings that can be successfully achieved on the site for amenity issues to be considered. Some third party objection representations have raised concerns that the proposal would increase noise. It is inevitable the proposal would create further noise through the construction of the proposal and the change in use of the land to residential. However, these types of matters are not considered significant enough to justify refusal, as construction is a short-term matter whilst the dwellings are being built and the residential scheme is for ordinary private residential use the same as the adjacent existing properties to the south and east of the site. Furthermore, there have also been matters with regard to light pollution made, again the quantum of development proposed will increase light, but the reserved matters application is to ensure the proposed detail does not significantly impact on existing and future occupier amenity.

13.4 If permission is 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.

14. Other matters/third Party Representations

14.1 A number of third party comments have been made strongly objecting to this proposal. The parish council does not consider the development to be sustainable for a number of reasons, in summary matters such as (not sustainable, contrary to policy CS2, not meet the needs of the local community or wellbeing, traffic issues, footpath issues, outside boundary, school capacity issues, lack of info re ecology/biodiversity, premature of the Neighbourhood plan) have been raised. These matters raised have been addressed within this report and as highlighted within the principle of development section of this report (section 7) and the sustainability assessment (section 8) due to the policy position of the council not having a 5-year housing land supply, the council can not just refuse a proposal because it is outside the development boundary. Also, an application cannot be delayed for a neighbourhood plan to be put in place. All applications have to be assessed on their own merits at the time they are submitted and an assessment of any significant and demonstrable harms needs to be made, which this report has undertaken.

14.2 Furthermore, the parish council also feel the development has not had adequate public consultation or engagement with the village community and that the developer has not met with the community to have early engagement prior to any application being submitted. Pro-active and early engagement with the Council and local community is always encouraged by the Council prior to any major application being submitted. However, this is not a statutory requirement and therefore not all agents/developers choose to do this, and this cannot be used as a reason to refuse permission if the merits of the case are acceptable.

14.3 Access for emergency vehicles will be a consideration at reserved matters stage along with the design and layout taking account for refuse vehicles for waste collection.

14.4 A number of third party representations have been received, summarised and addressed within this committee report.

15. Viability

15.1 Paragraphs 159 and 173 of the NPPF inform in order for pursuing sustainable development careful attention to viability needs to be made to ensure the development is deliverable, which directly links to paragraph 47 of the NPPF.

15.2 The viability officer has undertaken a detailed review of the submitted New Hall viability report, which provides information on build costs, sales values and abnormal costs. It is concluded the scheme is viable and can afford the following contributions:

1. 20% affordable housing
2. CIL contribution of £648,485
3. S278 - £175,000
4. School bus £51,000

16. Planning Obligations and CIL

16.1 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.

16.2 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.

16.3 The development is likely to have an impact of the NHS finding programme for the delivery of primary healthcare provision within this area and specifically health catchment of the development. Therefore a developer contribution will be sought via CIL towards the capital funding to increase capacity within the GP Catchment Area. The proposal is not of a size and nature to attract a specific s106.

16.4 Due to the anticipated increase the County Council may seek contribution for improvements to the to the rights of way network. The additional highways response has made clear the further drawings and supporting evidence in relation to footways along Wattisfield Road will link with the existing footways to the south of Mill Close satisfactory.

16.5 In this case the SCC Planning Obligations Officer has advised the following is capable of being funded by CIL rather than planning obligations:

- Provision of library facilities £12,960
- Provision of additional pre-school £36,546
- Provision of primary school places £182,715
- Provision of secondary school £201,905
- Provision of secondary, sixth form £39,814
- Provision of waste infrastructure £0

16.6 The SCC Planning Obligations Officer has made clear the school is at capacity, but adjustments in catchment will catch up and SCC has not sought a contribution for a new school. Transportation costs could be a CIL matter of the SCC were to sought.

16.7 The development seeks to secure 20% affordable housing and accords with the Altered Local Policy H4. The mix and tenure will be secured through the Reserved Matters application and through the S106 agreement.

16.8 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.

17. Details of Financial Benefits / Implications (S155 Housing and Planning Act 2016)

17.1. 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 reserved matters stage

PART FOUR – CONCLUSION

18. Statement Required By Article 35 of The Town and Country Planning (Development Management Procedure) Order 2015.

18.1. 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.

18.2. In this case the Officers have worked with the agent to resolve main issues relating to highways and ecology.

19. Planning Balance

19.1. The Council accepts that it cannot demonstrate a five year housing land supply in the district, as required by the NPPF. Relevant local policies for the supply of housing receive less weight due to this, and the fact that the majority of local policies are pre-NPPF, but also some local housing policies directly relate to numbers and distribution of housing, which the Supreme Court Judgement confirms in accordance with the narrow interpretation policies receive less weight and a shortfall in housing land supply triggers the second part of paragraph 14. Therefore, a balanced assessment between any harms and any benefits of the proposal has been undertaken.

19.2 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.

19.3 The design and layout to be established at reserved matters stage is to take reference from the existing Broad Meadow development south/east of the site and take account of relevant statutory consultation recommendations as highlighted in this report. In this case, existing surrounding dense development contributes to the areas characteristics.

19.4 The assessment has identified the proposal did raise highway issues, with regard to footway links, design that creates the reliance on the private car and the reduced visibility for some properties. However, since these issues were identified through the consultation process. The agent has sought to address the matters through submitting additional relevant information, and has now addressed any previous significant harms arising and as such the highways officer has removed their objection further details will be sought via condition and s106.

19.5 The cumulative impacts of additional primary school pupils and the logistics that are in connection with this have also been considered in combination with the additional pending application (DC/17/02783) for up to 22 dwellings the opposite side of Wattisfield Road.

19.6 It is also noted the proposal would create the loss of agricultural land currently used for food production, which contributes to the economy. However, the loss of approx. 2.80ha of grade 3 land is not considered significantly harmful, when weighed against the benefits of the scheme. Furthermore, all other environmental matters with regard to ecology, and the hedgerows and trees can be effectively managed and mitigated via conditions. In addition, a scheme for up to 60 dwellings (including 20% affordable homes) would generate more for the economy and social aspect in the long and short term in comparison to the agricultural land use. The report also highlights the proposal would not cause any significant impacts to the conservation area. Although the site is within an area of archaeological potential relevant conditions can address this aspect.

19.7 Having considered all social, economic and environmental matters in this case it is considered the significant benefits for up to 60 new dwellings on the site adjacent to the settlement boundary in close proximity to existing dwellings and in a location where there is a housing shortfall would outweigh any modest harms the development may create. The application is therefore recommended for approval as the benefits of this proposal considerably outweigh any modest harm.

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 20% affordable units including mix and tenure
 - Infrastructure improvements (£51,000 school transportation costs)

- (2) That the Corporate Manager – Planning for Growth be authorised to grant Outline Planning Permission subject to conditions and Informatives including:
 - Standard time limit
 - Submission of reserved matters
 - Location and phasing of the affordable housing units
 - Details of materials
 - Land contamination
 - Footways to be provided along Wattisfield Road
 - Vehicular access
 - Details of estate roads and footpaths
 - footways serving that dwelling have been constructed
 - HGV traffic movements
 - manoeuvring and parking of vehicles
 - visibility splays
 - under Section 38 of the Highways Act (1980) relating to the construction and subsequent adoption of Estate Roads.
 - Implementation of a programme of archaeological work (in accordance with a Written Scheme of Investigation)
 - No building occupied until the site archaeological investigation and post investigation assessment is completed
 - Appropriate protections for existing trees and hedgrows
 - Fire hydrants to be installed
 - Landscaping scheme concurrent with reserved matters and including tree protection measures
 - Implementation of landscaping scheme
 - School transportation costs
 - Compliance with recommendations of submitted ecological reports
 - Ecological design strategy
 - Prior to occupation: Lighting design scheme
 - Bin presentation points
 - Surface water drainage scheme to agree and fully implemented as approved
 - Sustainable Urban Drainage System
 - Construction surface water management plan detailing surface water and storm water
 - Construction management plan/agreement – Residential amenity
 - Play Space Provision

- (3) That in the event of the Planning obligations 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.