

## **Committee Report**

**Item No: 5**

**Reference: DC/17/04689**  
**Case Officer: Jack Wilkinson**

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**Description of Development:** Erection of 26 dwellings, access road and public open spaces (outline application with access and layout to be considered)

**Location:** Land to South of Shop Street, Worlingworth, IP13 7HX

**Parish:** Worlingworth

**Ward:** Worlingworth

**Ward Member/s:** Cllr Matthew Hicks

**Site Area:** 1.59 hectares

**Conservation Area:** No

**Listed Building:** None

**Received:** 14/09/17

**Expiry Date:** 02/02/18

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**Application Type:** FUL – Full Planning Application

**Development Type:** Smallscale Major Dwellings

**Environmental Impact Assessment:** Environmental Assessment Not Required

**Applicant:** Mr P Tuckwell

**Agent:** Mr Tim Hannon, Brooks Architects Ltd

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## **DOCUMENTS SUBMITTED FOR CONSIDERATION**

List of applications supporting documents and reports

- Planning Application Forms and Certificates;
- Planning Statement prepared by Brooks Architects Ltd;
- Design and Access Statement prepared by Brooks Architects Ltd;
- Landscape/Visual Appraisal & Strategy Report prepared by Brooks Architects Ltd;
- Transport Statement prepared by KingdomTP;
- Ecological Survey prepared by MHE Consulting Ltd;
- Desk Based Contaminated Land Assessment prepared by Nott Group;
- Surface Water Management Strategy prepared by Brooks Architects Ltd;
- Sewerage Assessment prepared by Anglian Water;
- Statement of Community Consultation prepared by Brooks Architects Ltd;
- Topographic Survey prepared by Brooks Architecture Ltd;

- Plans and other drawings relevant to the planning application prepared by Brooks Architecture Ltd (including Site Layout received 14<sup>th</sup> September 2017);

The application, plans and documents submitted by the Applicant can be viewed online via the following link;

<https://planning.baberghmidsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OW9GZBSHJ5500>.

Alternatively, a copy is available to view at the Mid Suffolk and Babergh District Council Offices.

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## **PART ONE – REASON FOR REFERENCE TO COMMITTEE**

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

- It is a “Major” application for:-  
More than 15 dwellings.

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## **PART TWO – APPLICATION BACKGROUND**

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### **History**

2. There is no planning history relevant to the application site.

### **All Policies Identified As Relevant**

3. The local and national policies relevant to the application site are listed below and form part of the consideration of your officers. Detailed assessment of specific policies in relation to the recommendation and specific issues highlighted in this case will be carried out within the assessment:

#### **Summary of Policies**

NPPF - National Planning Policy Framework  
FC1 Presumption In Favour Of Sustainable Development  
FC1.1 Mid Suffolk Approach To Delivering Sustainable Development  
FC2 Provision And Distribution Of Housing  
CS1 Settlement Hierarchy  
CS2 Development in the Countryside & Countryside Villages  
CS3 Reduce Contributions to Climate Change  
CS4 Adapting to Climate Change  
CS5 Mid Suffolk’s Environment  
CS6 Services and Infrastructure  
CS9 Density and Mix  
SB2 Development appropriate to its setting  
GP1 Design and layout of development

H7 Restricting housing development unrelated to needs of countryside  
H13 Design and layout of housing development  
H14 A range of house types to meet different accommodation needs  
H15 Development to reflect local characteristics  
H16 Protecting existing residential amenity  
H17 Keeping residential development away from pollution  
CL8 Protecting wildlife habitats  
T4 Planning Obligations and highway infrastructure  
T9 Parking Standards  
T10 Highway considerations in development  
T11 Facilities for pedestrians and cyclists  
T12 Designing for people with disabilities  
RT12 Footpaths and bridleways  
HB1 Protection of Listed Buildings

#### **Details of Previous Committee / Resolutions**

4. None

#### **Details of member site visit**

5. None

#### **Details of any Pre Application Advice**

6. The applicant engaged in formal pre-application discussion with respect to the possible development of this site. Advice was given on the basis of the site's relationship with the Built-Up Area Boundary, the access to facilities and services, the absence of a five year land supply and the overall sustainability of the site. The applicant was encouraged to engage in communication with the local community.

#### **List of other relevant legislation**

7. Below are details of other legislation relevant to the proposed development.

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

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## PART THREE – ASSESSMENT OF APPLICATION

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### Summary of Consultations

8. The responses below relate to the initial consultation carried out on the proposal;

**Worlingworth Parish Council** – Objects to the application based on the following points:

- The Parish Council is concerned that the ecology report submitted with the application significantly underestimates the impact to wildlife of development on the site. There have been regular sightings of skylark and barn owls using the area. Concern is also raised for the number of native hardwood trees that would need to be removed from the site and the impact this loss of habitat would have to the ecosystem in the area.
- The Parish Council disputes the accuracy of the Transport Statement submitted with the application; there are not 8 commercial bus stops within the village. The Parish Council assume that the bus service referred to is the Community Bus - a voluntary run community service that should not be relied upon to support the argument that Worlingworth is well served by public transport. This service is not suitable for those seeking transport for employment.
- The Parish Council does not accept the concept that Worlingworth is well served by the railways, with the nearest station some 14 miles away from the village and connections only realistically achieved by the use of private car or taxi service.
- The lack of realistic public transport options will lead to additional car journeys through the parish, 52 additional cars is likely to be a very conservative estimate and the Parish Council questions the ability of the local road infrastructure to support such an additional load, particularly with the recognised problems of speeding within the village.
- The Parish Council is regularly contacted by parishioners concerned about the ability of the local sewage system to cope with the existing load in the village. It is understood that Anglian Water currently has to use tanker lorries on a daily basis to pump out the sewage station in the area. Although within the application Anglian Water have stated that they will serve any approved development, the Parish Council expresses concerns that additional housing will add to the pressure on the system and lead to an increase in such large vehicle movements through the village. The Parish Council firmly believes that the use of tankers to remove sewage from the village should not be considered a viable long-term option and therefore any development permitted should be contingent upon the sewage system being upgraded first.
- The Parish Council challenges the context statement within the Design and Access statement as it does not believe that Worlingworth can be described as a sustainable location. Alongside the lack of viable public transport options there is very little community infrastructure in the village, (with the exception of the school and community centre) there are no shops, pub or health centre and employment opportunities are extremely limited. Concern is also expressed about the capacity of the existing school to accommodate additional pupils from the proposed new development, should the pupil yield exceed the minimums predicted by the local authority.
- The Parish Council agrees with the Heritage Report submitted as part of the consultation to the application, that the proposal does not appear to respect the local vernacular. The proposed development does not honour the current housing line, with some of the proposed new development standing much further forward than existing properties on the same side of the road.

- The proposed forward standing properties appear to overlook existing properties in the area and the Parish Council would therefore ask either for the removal of plots 1-5, or the development of single storey units in this location to preserve the privacy of neighbouring properties.
- The Parish Council is concerned that the provision of parking on the site is potentially inadequate and could lead to hazardous or inappropriate parking locations being used, either along Shop Street itself, which is in regular use by large agricultural vehicles, or the proposed central green area. Protection of the proposed open access space from misuse needs to be considered and therefore the Parish Council suggests that parking bollards be installed around the green area.
- The management and ownership of the proposed open access green area needs to be considered and the Parish Council would like to see some form of management company installed to arrange upkeep of this area.
- The Parish Council questions the rationale behind the installation of a cycle rack in the central green area. Councillors believe that this would not be utilised as intended, with cycles (both resident and visitor) being accommodated within the individual property curtilages. There is a distinct risk that the cycle rack could be misappropriated and become an eye-sore. In summary the proposed new development would lead to an 8% increase in the village population if each new property had only 2 residents. Such a large increase is likely to have significant impact on the village and in order to mitigate this impact all the aforementioned concerns should be carefully considered to avoid detrimental consequences.

**Anglian Water** – There is sufficient capacity at Worlingworth Water Recycling Centre for the development. The foul sewerage network has available capacity for these flows.

**BMSDC Air Quality** – No objection.

**BMSDC Arboricultural Officer** – There are no arboricultural implications relating to this application. However, the proposed planting scheme (plan Landscape 06) is very odd and requires input from an appropriate professional.

**BMSDC Senior Environmental Health Officer** – No objection, subject to conditions relating to planted bund at 1.8 in height or fenced to the same height to provide a barrier and mitigate any noise from the retail and servicing operation at Tuckwell Ltd.

**BMSDC Heritage Team** – The Heritage Team considers that as the application is an outline scheme with all matters except access and layout reserved, it is difficult to assess the level of harm which the scheme may cause to the setting of adjacent Heritage assets. The Heritage Team recommends that if the decision taker is minded to approve this application, a reserved matters application should address the scale, massing and appearance of proposed dwellings and seek to minimise impact on adjacent heritage assets.

**BMSDC Infrastructure Support Officer** – This development is in the high zone for CIL and will therefore be charged at £115 per square metre subject to indexing. This will be calculated upon the grant of the final reserved matters. The Developer should ensure they understand their duties in relation to compliance with the CIL Regulations 2010 (as amended). The Infrastructure Team ask that they are consulted on any s106 heads of terms before any agreement is signed to ensure compliance with Regulations 122 and 123 of the CIL Regulations 2010 (as amended).

**BMSDC Land Contamination** – No objection to the proposed development from the perspective of land contamination.

**BMSDC Waste Management Officer** – No objection. Recommendation that wheeled bin presentation are added to the map, only bin storage points have been included. The presentation points will be at the end of each private drive/court. Presentation points for property numbers 1 to 5 and 20 to 26 should be presented on the main road for best collection point. Ensure that the access road is suitably constructed for having a 32 tonne refuse collection vehicle driving on it.

**Essex and Suffolk Water** – No objection. Consent is given to the development on the condition that a water connection is made onto our Company network for the new dwellings for revenue purposes.

**SCC Archaeological Officer** – Recommends conditions.

**SCC Highway Authority** – Discussions occurred between the applicant's Transport Consultant and the LHA, and the Transport Consultant has provided further evidence to the LHA in relation to visibility (as shown on Drawing No. H05182/15/001 with an X dimension of 2.4m and a Y dimension of 90m). LHA hold no objection to the proposal, subject to conditions and obligations.

**SCC Development Contributions Manager** – Sets out the infrastructure requirements which arise, most of which will be covered by CIL apart from site specific mitigation.

The details of the impact on local infrastructure serving the development is set out below and will form the basis of a future CIL bid for funding:

1. Education. Refer to the NPPF paragraph 72 which states 'The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education'.

The NPPF at paragraph 38 states 'For larger scale residential developments in particular, planning policies should promote a mix of uses in order to provide opportunities to undertake day-to-day activities including work on site. Where practical, particularly within large-scale developments, key facilities such as primary schools and local shops should be located within walking distance of most properties.'

SCC anticipates the following minimum pupil yields from a development of 26 dwellings, namely:

- a. Primary school age range, 5-11: 5 pupils. Cost per place is £12,181 (2017/18 costs).
- b. Secondary school age range, 11-16: 4 pupils. Cost per place is £18,355 (2017/18 costs).
- c. Secondary school age range, 16+: 1 pupil. Costs per place is £19,907 (2017/18 costs).

The local catchment schools are Worlingworth CEVC Primary School, Stradbroke High School, and Thomas Mills High School.

Based on existing forecasts SCC will have surplus places available at the catchment primary and secondary schools, but no surplus places available for the sixth form pupil at Thomas Mills High School. On this basis, a minimum future CIL funding bid of £19,907 (2017/18 costs) will be made.

2. Pre-school Provision. Refer to NPPF 'Section 8 Promoting healthy communities'. It is the responsibility of SCC to ensure that there is sufficient local provision under the Childcare Act 2006. Section 7 of the Childcare Act sets out a duty to secure free early years provision for pre-school children of a prescribed age. The current requirement is to ensure 15 hours per week of free provision over 38 weeks of the year for all 3 and 4 year olds. The Education Bill 2011 amended Section 7, introducing the statutory requirement for 15 hours free early years education

for all disadvantaged 2 year olds. From these development proposals SCC would anticipate up to 3 pre-school children at a cost of £8,333 per place.

This development falls within the ward of Worlingworth and there is a predicted surplus of 17 places in September 2017. Therefore, the 3 children this will generate will be accommodated within existing provision.

3. Play space provision. Consideration will need to be given to adequate play space provision. A key document is the 'Quality in Play' document fifth edition published in 2016 by Play England.
4. Transport issues. Refer to the NPPF 'Section 4 Promoting sustainable transport'. A comprehensive assessment of highways and transport issues will be required as part of the planning application. This will include travel plan, pedestrian & cycle provision, public transport, rights of way, air quality and highways provision (both on-site and off-site). Requirements will be dealt with via planning conditions and Section 106 as appropriate, and infrastructure delivered to adoptable standards via Section 38 and Section 278. Suffolk County Council FAO Sam Harvey will coordinate this.

Site specific matters will be covered by a planning obligation or planning conditions.

Suffolk County Council, in its role as local Highway Authority, has worked with the local planning authorities to develop county-wide technical guidance on parking which replaces the preceding Suffolk Advisory Parking Standards (2002) in light of new national policy and local research. It has been subject to public consultation and was adopted by Suffolk County Council in November 2014.

5. Libraries. The libraries and archive infrastructure provision topic paper sets out the detailed approach to how contributions are calculated. A CIL contribution of £216 per dwelling is sought i.e. £5,616, which will be spent on enhancing provision at the nearest library. A minimum standard of 30 square metres of new library space per 1,000 populations is required. Construction and initial fit out cost of £3,000 per square metre for libraries (based on RICS Building Cost Information Service data but excluding land costs). This gives a cost of (30 x £3,000 = £90,000 per 1,000 people or £90 per person for library space. Assumes average of 2.4 persons per dwelling. Refer to the NPPF 'Section 8 Promoting health communities'.
6. Waste. All local planning authorities should have regard to both the Waste Management Plan for England and the National Planning Policy for Waste when discharging their responsibilities to the extent that they are appropriate to waste management. The Waste Management Plan for England sets out the Government's ambition to work towards a more sustainable and efficient approach to resource use and management.

Paragraph 8 of the National Planning Policy for Waste states that when determining planning applications for non-waste development, local planning authorities should, to the extent appropriate to their responsibilities, ensure that:

- New, non-waste development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities with the rest of the development and, in less developed areas, with the local landscape. This includes providing adequate storage facilities at residential premises, for example by ensuring that there is sufficient and discrete provision for bins, to facilitate a high quality, comprehensive and frequent household collection service.

SCC requests that waste bins and garden composting bins should be provided before occupation of each dwelling and this will be secured by way of a planning condition. SCC would also

encourage the installation of water butts connected to gutter down-pipes to harvest rainwater for use by occupants in their gardens.

7. Supported Housing. In line with Sections 6 and 8 of NPPF, homes should be designed to meet the health needs of a changing demographic. Following the replacement of the Lifetime Homes standard, designed homes to the new 'Category M4(2)' standard offers a useful way of fulfilling this objective, with a proportion of dwellings being built to 'Category M4(3)' standard. In addition, we would expect a proportion of the housing and/or land use to be allocated for housing with care for older people e.g. Care Home and/or specialised housing needs, based on further discussion with the local planning authority's housing team to identify local housing needs.
8. Sustainable Drainage Systems. Section 10 of the NPPF seeks to meet the challenges of climate change, flooding and coastal change. National Planning Practice Guidance notes that new development should only be considered appropriate in areas at risk of flooding if priority has been given to the use of sustainable drainage systems.

On 18 December 2014 the Secretary of State for Communities and Local Government (Mr Eric Pickles) made a Ministerial Written Statement (MWS) setting out the Government's policy on sustainable drainage systems. In accordance with the MWS, when considering a major development (of 10 dwellings or more), sustainable drainage systems should be provided unless demonstrated to be inappropriate. The MWS also provides that, in considering planning applications:

*"Local planning authorities should consult the relevant lead local flood authority on the management of surface water; satisfy themselves that the proposed minimum standards of operation are appropriate and ensure through the use of planning conditions or planning obligations that there are clear arrangements in place for ongoing maintenance over the lifetime of the development. The sustainable drainage system should be designed to ensure that the maintenance and operation requirements are economically proportionate."*

The changes set out in the MWS took effect from 06 April 2015.

A consultation response will be coordinated by Suffolk County Council FAO Jason Skilton.

9. Fire Service. Any fire hydrant issues will need to be covered by appropriate planning conditions. SCC would strongly recommend the installation of automatic fire sprinklers. The Suffolk Fire and Rescue Service requests that early consideration is given during the design stage of the development for both access for fire vehicles and the provisions of water for fire-fighting which will allow SCC to make final consultations at the planning stage.
10. Superfast broadband. Refer to the NPPF paragraphs 42-43. SCC would recommend that all development is equipped with high speed broadband (fibre optic). This facilitates home working which has associated benefits for the transport network and also contributes to social inclusion; it also impacts educational attainment and social wellbeing, as well as improving property prices and saleability.

As a minimum, access line speeds should be greater than 30Mbps, using a fibre based broadband solution, rather than exchange based ADSL, ADSL2+ or exchange only connections. The strong recommendation from SCC is that a full fibre provision should be made, bringing fibre cables to each premise within the development (FTTP/FTTH). This will provide a network infrastructure which is fit for the future and will enable faster broadband.

11. Legal costs. SCC will require an undertaking from the applicant for the reimbursement of its reasonable legal costs associated with work on a S106A for site specific mitigation, whether or not the matter proceeds to completion.

12. The above information is time-limited for 6 months only from the date of this letter.

The above will form the basis of a future bid to Mid Suffolk District Council for CIL funds if planning permission is granted and implemented.

**SCC Flood and Water Team** - The following submitted documents have been reviewed and we recommend a holding objection at this time:

- Site Plan Ref 1608/003
- Surface Water Drainage Strategy Ref Shop Street Worlingworth dated August 2017
- Contaminated Land Assessment

The reason why we are recommending a holding objection is because whilst the applicant has intermated a method for the disposal of surface water, they have not provided sufficient evidence to support this. The applicant will therefore need to submit a set of infiltration test results to BRE Digest 365 to demonstrate that infiltration is will work. The site looks to only have one viable method for the disposal of surface water therefore it is important that the infiltration is a viable option and that the calculations for the storage of surface water can be accommodated on site.

The points below detail the action required in order to overcome our current objection:-

1. Submit infiltration test results to BRE Digest 365
2. Submit support hydraulic calculation showing volume of storage required so that the surface water drainage system will not flood in a 1:30 year event and the site will not flood in a 1:100+40% rainfall events

**Suffolk Fire and Rescue Service** – Access to buildings for fire appliances and firefighters must be in accordance with Building Regulations, and fire hydrants will be required.

### **Representations**

9. 11 representations have been received making the following comments (summarised);

- Concerned about the capacity of the infrastructure in the village to cope with such a development.
- Issues with the drainage system. The village has had several waste water problems and is prone to power cuts as soon as there is a storm, both of which will be become far more regular with the extra burden of new properties on an overstretched system.
- Poor sewerage facilities. There are tankers visiting the local sewerage plant several times a day, which increases in poor weather. Over the past few years there have been many houses built as infill, all of which connect to mains drainage, compounding the problem. There was a major problem earlier this year with sewerage breaking out into some gardens.
- Water pressure is very poor in this area in the hot weather because of people watering gardens, even more houses will add to the problems.
- The current school is over-subscribed.
- There is no mobile phone coverage.
- Concerned regarding parking in Shop street.
- Loss of parts of the rural environment and the preservation of several public rights of way across this land

- Already substantial development being carried out within Framlingham (of several hundred houses) and the services, including health care services and senior education, there are already struggling to maintain their existing levels, let alone with the added burden of outlying villages which already heavily rely on these services.
- Land being sold within Eye with Planning Permission for 280 dwellings. That is a place that actually has the ability, or is at least close enough, to areas that can provide and sustain this development.
- With the addition of these properties, greatly reduce the chance of new residents within Worlingworth being able to access local services and employment.
- Worlingworth has considerable traffic flow considering the size of the village.
- Extra traffic will be caused by this development, not just in the short term during construction, but also from the new residents, increasing potholes and pollution.
- Limited parking available on the new site and the scope that extra cars will be left abandoned on Shop Street which is a busy thoroughfare.
- The HGVs and Farm Machinery that use surrounding roads to access P Tuckwells in Worlingworth already have difficulty navigating these tight country lanes.
- Worlingworth is a small picturesque village which many of its residents have moved here for. Unsustainable growth of the village will be detrimental to the appeal of people wishing to move to the area for a quiet life.
- This development has no sustainability.
- Worlingworth is not a village deemed by MSDC as required to expand as it suffers from a lack of facilities.
- There is no public transport system (contrary to the report), there is no shop, no health facilities and no public house.
- There are minor employment opportunities. The vast majority of households living in Worlingworth own at least one car. It is virtually impossible to live in this village without access to a car.
- The likely increase to the population in the village is estimated at 8%, but no increased facilities.
- Worlingworth has a medieval parish church, a 142 year old primary school and a community hall. The village inn has closed and the only shop in Worlingworth was demolished for housing about 12 years ago. With the addition of 35-40 new homes in the last 10 years, the sewage system continues to give many households a recurring problem. The sewage plant at Church Road sees road tankers taking liquid away every day.
- There are no other facilities for newcomers; there is no bus service - to live in Worlingworth and survive requires at least one car per household. 26 more households could add a further 40-50 cars on the roads, substantially increasing our greenhouse gas emissions and furthering climate change.
- There are no job opportunities for young people, either in Worlingworth or the neighbouring parishes so car "footprint" will increase even if the development was for "affordable homes."
- The proposed site is currently designated "greenfield" and cannot understand how agricultural land could be considered for housing with the detrimental effect this will have on agricultural production and its effect on the sustainability of the local wildlife. The proposal also lies outside the Settlement Boundaries that were supposed to contain future development within certain areas of the parish.
- Object to the application in its current form because plots 3,4 and 5 are only a few metres from my home and concerned that they are two storey buildings which will overlook my bedrooms and invade my privacy.
- Suggest that plots 1 to 5 are removed from the site and replaced with extended landscaping including trees to the roadside corner. If plots 1 to 5 cannot be removed then suggest the whole of the east side of the site be moved back to match the existing building line of Crowes Nest on that side of the road with extended landscaping to the roadside corner.
- A bund is planned for the west side so could a bund also be planned for the east side of the site.

- Suggest that any plots on the site in front of the existing building line be bungalows
- The proposed field for the development is a nesting area for the Skylark. This iconic bird is on the Red List due to its recent and dramatic decline in population. Any incursion onto this agricultural land will be further detrimental to its sustainability
- The proposed site is currently designated "greenfield" and therefore will have an obvious detrimental effect on reducing agricultural production coupled with destructive effect on the sustainability of wildlife in a countryside location.
- Some of the information is misleading, despite the implication of the transport survey documentation (KingdomTP), there are no daily public transport (buses) through the village. There is however, a volunteer community bus service, but this does not provide a daily service, rendering it unusable for residents in regular or seeking employment.
- The nearest healthcare centre is at Stradbroke (5 miles away) Eye (7 miles) and Framlingham (8 miles). There is little educational capacity at the village primary school and no senior school within or close to the village.
- The wildlife will be greatly affected and the village enjoyment will be lost.
- Protection of Worlingworth's rural feel, visual, historic and archaeological qualities should be considered and paragraph 64 of the National Planning Policy Framework states that permission should be refused for developments that fail to take the opportunities available for improving the character and quality of an area and the way it functions.
- Worlingworth has been developed far more than other neighbouring villages some of which have more amenities and facilities.
- Worlingworth mainly houses people who work outside of the village and the traffic should also be considered in neighbouring villages, particularly on routes through to Ipswich, Stowmarket, Norwich, Framlingham and Lowestoft where a lot of people commute.
- The nearby Brundish Crown has also applied for change of use into a house application number DC/17/03424 potentially losing another local facility.
- The report on transport appears to be based on national statistics rather than the actual reality of poorly maintained often unclassified, busy, unlit roads, pot holes and all the dangers of countryside traffic.
- Please request that the developer, landowner or both parties should consider supporting the Worlingworth Swan Action Group to assist the purchase of the community pub to improve the community and justify the development. Details can be found on the website [www.worlingworthswan.co.uk](http://www.worlingworthswan.co.uk).

### **The Site and Surroundings**

10. The site consists of a parcel of agricultural land measuring approximately 1.59 hectares.
11. The site lies to the south of Shop Street, which itself lies at the western end of Worlingworth. To the west of the site is Tuckwells, a John Deere outlet which consists of a cluster of buildings set within a large area of hardstanding. To the east are residential properties, and agricultural fields stretch to the south.
12. To the opposite side of Shop Street, facing onto the site, is a run of residential properties with predominantly soft landscaped frontages and of two-storey scale.
13. The site is open to the road and facilitates views across the countryside for a considerable distance to the south. There is evidence of some informal, adhoc, parking occurring on the roadside edge, most likely linked to the properties on the north side of the road.
14. Whilst the site boundary with Shop Street is relatively level, access into the field is primarily from the western end of the site frontage. Approximately halfway along the site frontage, running in a north south alignment through the site, is a Public Right of Way (PRoW). In order to access the ProW from Shop Street pedestrians use a footbridge over a ditch, which will remain. The

masterplan for the site incorporates the alignment of the PRoW. It is proposed to provide an east west running footway within the site which will allow pedestrian access onto the ProW.

15. The site lies outside, but adjacent to, the settlement boundary for the village, and is not within any designated landscape. The site is within Flood Zone 1, and is not with a Conservation Area. The nearest listed building, Widow's Nest, lies to the opposite side of the Tuckwells complex to the west.

### **The Proposal**

16. This application seeks outline planning permission for the erection of 26 new dwellings, with access road and public open space included. The detailed matters of access and layout are also for consideration at this stage.
17. The proposed dwellings are indicated to lie in an arc off Shop Street surrounding a new shared green space in the form of a village green. The proposal will comprise one, two and 2.5 storey dwellings and would deliver a mix of property sizes consisting of;
  - 6 x 1 bedroom
  - 9 x 2 bedroom
  - 7 x 3 bedroom
  - 3 x 4 bedroom
  - 1 x 5 bedroom
18. The Design and Access Statement supporting the application sets out some key principles that have been employed within the design of the development, including;
  - Retaining the village vernacular of house design and arrangement
  - Creating a new public green space within the village surrounded by housing
  - Reflecting and adopting existing housing densities within the village
  - Environmental impact - minimising impact during build, use and post use phases
19. A separation zone between the Tuckwell works and the development is proposed, which will likely comprise a planted bund utilising excavated material on site so far as possible. The site will have an extensive tree planting and grassed area with a possible local play area, subject to discussions with the parish and district councils as to these detailed design of these elements. These will include a meeting point of seating around a quincunx of native trees at the centre of the green.
20. Car parking would be provided to the Suffolk Parking Standards and the site would provide for 6 visitor parking spaces, 52 cycle parking spaces (all within the curtilage of dwellings) and 6 visitor cycle parking spaces.
21. The scheme also proposes 9 of the dwellings as affordable dwellings.
22. Whilst appearance is not one of the detailed matters for consideration at this stage, the materials proposed to be used are indicated as being a combination of red brick and Suffolk white brick, painted render, grey and black weatherboard, pantiles, plain tiles, slates and windows that are stained white, cream or grey. These materials are traditional materials and should enable an attractive finished appearance to the development.

23. The application is supported by a draft landscape plan, which demonstrates tree planting, a wild meadow and some buffer planting. The final landscaping details will be dealt with as part of the detailed considerations under reserved matters.
24. However, the matter of access is for consideration with this proposal and it is proposed that an adoptable access road would be provided over the existing field entrance. The access provides for visibility splays in excess of 45 metres in each direction, and footpaths will be a mixture of hard and permeable finishes dependent on their location within the proposal. A new footpath is proposed running parallel to Shop Street, improving pedestrian movement through the village. The proposals will include extensive pedestrian and cycle access, including a footpath along the whole of the Shop Street façade, improving pedestrian access around the village. Access to the site will be via a single vehicular entrance placed closest to the existing Tuckwell works using a field access, with the estate road wrapping around a new village green.

### **Main Considerations**

25. The following are identified as the main considerations in assessing this application.

### **The Principle Of Development**

26. The National Planning Policy Framework (NPPF) requires Councils to identify and update on an annual basis a supply of specific deliverable sites sufficient to provide for five years worth of housing provision against identified requirements (paragraph 47). For sites to be considered deliverable they have to be available, suitable, achievable and viable.
27. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites (as stated in paragraph 49 of the NPPF). Where policies cannot be considered up-to-date, the NPPF (paragraph 14) cites the presumption in favour of sustainable development and states that planning permission should be granted unless i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or ii) specific policies in the NPPF indicate development should be restricted. The presumption in paragraph 14 also applies where a proposal is in accordance with the development plan, where it should be granted permission without delay (unless material considerations indicate otherwise).
28. The precise meaning of 'relevant policies for the supply of housing' has been the subject of much case law, with inconsistent results. However, in May 2017 the Supreme Court gave judgment in a case involving Suffolk Coastal District Council which has clarified the position. The Supreme Court overruled earlier decisions of the High Court and the Court of appeal in this and other cases, ruling that a "narrow" interpretation of this expression is correct; i.e. it means policies identifying the numbers and location of housing, rather than the "wider" definition which adds policies which have the indirect effect of inhibiting the supply of housing, for example, countryside protection policies. However, the Supreme Court made it clear that the argument over the meaning of this expression is not the real issue. The absence of a five year housing land supply triggers the application of paragraph 14 of the NPPF. In applying the 'tilted balance' required by this paragraph, the Council must decide what weight to attach to all of the relevant development plan policies, whether they are policies for the supply of housing or restrictive 'counterpart' policies such as countryside protection policies.
29. In accordance with National Planning Policy Guidance paragraph 030 (Reference ID: 3-030-20140306) the starting point for calculating the 5 year land supply should be the housing requirement figures in up-to-date adopted Local Plans. It goes on to state that '...considerable weight should be given to the housing requirement figures in adopted Local Plans, which have

successfully passed through the examination process, unless significant new evidence comes to light...Where evidence in Local Plans has become outdated and policies in emerging plans are not yet capable of carrying sufficient weight, information provided in the latest full assessment of housing needs should be considered. But the weight given to these assessments should take account of the fact they have not been tested or moderated against relevant constraints...' The NPPF (Paragraph 49) 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. For sites to be considered deliverable they have to be available, suitable, achievable and viable.

30. Case Law suggests a "narrow" interpretation of 'relevant policies for the supply of housing', but that the decision maker must decide what weight to attach to all of the relevant development plan policies, whether they are policies for the supply of housing or restrictive 'counterpart' policies such as countryside protection policies.
31. In accordance with National Planning Policy Guidance paragraph 030 (Reference ID: 3-030-20140306) recommends that the starting point for calculating the 5 year supply is the housing requirement figures in adopted Local Plans, unless significant new evidence comes to light. The Ipswich and Waveney Housing Market Areas Strategic Housing Market Assessment (SHMA) is significant new evidence for the emerging Babergh and Mid Suffolk Joint Local Plan. It is for the decision taker to consider appropriate weight to be given to these assessments.
32. A summary of the [MSDC] Council's 5 year land supply position is:
  - i. Core Strategy based supply for 2017 to 2022 = 3.9 years
  - ii. SHMA based supply for 2017 to 2022 = 3.9 years
33. Policy FC01 is the local reflection of the presumption in favour of sustainable development and is embedded within the development plan. It includes the position that where relevant policies are out-of-date at the time of the decision, the Council will grant planning permission (unless material considerations indicate otherwise), taking into account whether any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF overall, or specific policies in the NPPF indicate that development should be restricted. Since there is not, on any measure, a 5 year land supply, paragraph 49 of the NPPF deems the relevant housing policies of the Core Strategy to be out-of-date, so triggering both the 'tilted balance' in paragraph 14 of the NPPF, and the operation of Policy FC01.
34. The NPPF requires that development be sustainable and that adverse impacts do not outweigh the benefits to be acceptable in principle. Paragraph 7 of the NPPF sets out three dimensions for sustainable development, economic, social and environmental:
  - *"an economic role - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure:*
  - *a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and*
  - *an environmental role - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently,*

*minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy."*

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

### **Sustainability Assessment Of Proposal**

36. The NPPF provides (Para 187) that *"Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area"*.
37. As detailed above, in applying the 'tilted balance' required by paragraph 14 of the NPPF, the Council must decide what weight to attach to all the relevant development plan policies, whether they are policies for the supply of housing or restrictive 'counterpart' policies such as countryside protection policies. In that regard, whilst it is for the decision maker to determine the weight that is to be given to these policies, it is your officer's opinion that policies CS1 and CS2 of the core strategy, FC2 of the Core Strategy Focused Review, along with policy H7 of the Local Plan, should not be considered up-to-date.
38. The assessment of this proposal, therefore, moves to the three dimensions of sustainable development set out in the NPPF.
39. Worlingworth is defined as secondary village in policy CS1 of the Core Strategy (CS), where paragraph 2.34 of the CS identifies secondary villages as *"villages unsuitable for growth but capable of taking appropriate residential infill and development for local needs only"*. The CS goes on to identify that *"These villages will benefit from small-scale development to meet local needs but not the level of growth envisaged for primary settlements. Local needs include employment, amenity and community facilities as well as small-scale infill housing and "rural exception" sites for affordable housing. Local needs may be identified through annual monitoring or in locally generated documents such as parish plans or local needs surveys. Development proposals should be accompanied by supporting evidence of the need that is being met. Settlement boundaries will be retained around these settlements to facilitate appropriate development, while directing it to appropriate locations and restricting the scope and scale of development"*.
40. The site lies outside the settlement boundary of Worlingworth and, whilst the site would infill a space between existing developments, the development is of a scale that would exceed the intended infill scale development for secondary villages set out in the Core Strategy. However, as policy CS1 would be considered a policy that deals with housing supply, the weight to be given to it is significantly lessened whilst the authority cannot currently demonstrate a five year supply of housing land.
41. In any event, the site lies outside the settlement boundary, and is therefore in the countryside for the purposes of planning policy. Paragraph 55 of the NPPF sets out that local planning authorities should avoid isolated homes in the countryside. The site is not considered to be 'isolated' within the meaning of this term as it is adjacent to the settlement boundary of Worlingworth and therefore does not lie isolated from services. Paragraph 55 of the NPPF also states that:

*“To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby.”*

42. There is not, therefore, an in-principle reason to reject development of this site solely because it is outside any settlement boundaries. The assessment to be made needs to take account of the economic, social and environmental elements of the scheme and balance these accordingly, relevant development plan policies and whether there are specific policies in the Framework which would direct that development should be restricted.

### **Economic Dimension**

43. The economic benefits of the proposed development should be afforded due weight in the determination of this planning application. Paragraph 19 of the NPPF states that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth, thereby ‘significant weight should be afforded to the need to support economic growth through the planning system’.
44. New housing in this location would help to contribute to growth in the local and wider economy. Whilst there is no direct provision of new employment (outside of the construction period), the provision of market and affordable housing, and the associated spin off benefits, will support wider economic objectives.
45. The proposed development will help to stimulate additional future expenditure and investment to the benefit of the local economy. The increased number of local residents generated by the development will result in increased spend and footfall in Worlingworth and the surrounding area, supporting and benefitting the existing retail and service offer.
46. The proposed development will also generate CIL contributions which would support the provision and enhancement of local services. This, coupled with the provision of construction related jobs and the onward economic benefits of people working here on the local economy, will ensure that local businesses are able to draw upon residents to maintain and grow the local economy and achieve the aspirations of the adopted and emerging development plan.
47. The development is, therefore, considered to be economically sustainable.

### **Social Dimension**

48. Paragraph 7 of the NPPF identifies that the social role of sustainable development encompasses *“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”*.
49. The proposal would provide market housing which will contribute to the current housing supply shortfall, and which is considered to be deliverable in the terms set out in the NPPF (see later section on deliverability). This sits comfortably within the definition set out in paragraph 7 of the NPPF, and it is noted that the proposal would deliver a mix of property sizes and forms, thereby making a positive contribution to the housing market, covering a breadth of needs and which offers competition and widens the opportunities for home ownership.

50. Furthermore, the scheme would make a contribution to affordable housing in the district, providing 9 affordable homes. This is a significant social benefit, which will be weighed accordingly in the overall planning balance carried out at the end of this report.
51. A significant element of open space is also provided within the scheme, contributing to the health of the community where paragraph 69 of the NPPF provides that decisions should aim to achieve places which promote safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas.
52. For these reasons, the proposal is considered to be socially sustainable. However, prior to moving onto the environmental aspects of the proposal, it is considered appropriate to consider the deliverability of the scheme given that this aligns directly with the social and economic dimensions of sustainability.

### Deliverability

53. The deliverability of development sites is an important factor in both their sustainability (in terms of their tangible delivery of benefits) and in terms of their contribution to the supply of housing in the district. The NPPF states that *“To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans”*.
54. As a greenfield site that would not appear to be subjected to any abnormal or potentially restrictive issues that would preclude the development being delivered within the five-year time period set within the NPPF. The applicants are aware of the infrastructure requirements associated with delivery of the development, including affordable housing delivery, CIL, road infrastructure, open space provision etc, and consider that this scheme is viable and can absorb these requirements without compromising the delivery of the proposal. It should be noted that the proposal does not make a policy compliant affordable housing offer, having rounded down the 35% requirement from 10 to 9.
55. However, The site can, therefore, be considered to be deliverable and this should be weighed accordingly in balancing the issues on this application.

### Environmental

56. This dimension gives rise to a number of factors that require consideration in the decision-making process. These are looked at under relevant sub-headings, as follows;

#### Impacts on Landscape and Arboriculture

57. Paragraph 58 of the NPPF states that proposals should provide appropriate landscaping to ensure that they integrate well into the surrounding locality. This requirement is repeated in one of the requirements of policy H13 of the Mid Suffolk District Local Plan. The application is made in outline form with only access and layout for consideration as a matter of detail. As landscaping is a matter reserved for consideration at a later date, this assessment therefore considers the impacts on the wider landscape and the potential for landscaping as part of the proposal and how that would be integrated into the development.

58. The proposal would result in development stretching some distance to the south from the road. However, in landscape terms, the proposed development would align its southern boundary with the rear of the complex of Tuckwells which sits to the west of the site. The proposal would, therefore, draw a logical line in terms of the site's depth that would enable a cohesive landscape boundary to be provided with the countryside beyond which aligns with that of the adjacent site. The proposal would, therefore, result in some erosion of what is open countryside, but offers opportunities to mitigate the dwellings through a robust scheme of landscaping to the southern boundary.
59. The site is seen in the context of the dwellings to the east, the Tuckwells site to the west and existing development to the north which includes the dwellings fronting Shop Street and the complex of former agricultural buildings to the western end of those properties. The proposal is, therefore, set within existing development and would infill space between existing buildings essentially 'squaring off' this land in line with adjacent site boundaries. In landscape terms, therefore, the dwellings would be visible in the landscape, particularly give their location to the southern edge of the site. It will be necessary to ensure that this impact is mitigated fully through a detailed and robust landscaping scheme as well as through appropriate design of the dwellings, and this would be a matter to be considered at the detailed submission stage. However, whilst this impact is acknowledged and recognised, it is considered that mitigation can be secured and there would not, therefore, be reason to refuse this proposal on the resultant landscape impacts.
60. Furthermore, the Council's Arboricultural Officer has concluded that there are no significant arboricultural impacts arising from the proposal. Whilst this view is at odds with the conclusions of the Parish Council, who raise concerns over the loss of a number of hardwood trees on the site, it is unclear on what basis the Parish Council comments are based on a specialist assessment of the trees on the site. This point is not intended to undermine the Parish Council comments, but simply in response to the absence of any specific reference to important trees on the site, their maturity or in terms of who has carried out that assessment on behalf of the Parish Council. For example, the removal of hardwood trees as a matter of principle is not unacceptable, but the loss of significant mature trees may be. The generality of the PC comments is not, therefore, considered sufficient to outweigh the response from the Council's Arboricultural Officer.
61. For those reasons, the proposal is also considered acceptable in arboricultural terms.

#### Impact on Heritage Assets

62. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that 'in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'.
63. Recent case law on the application of that statutory duty acknowledges that the consideration of the impact of a proposed development on the significance of a designated heritage asset is a matter for its own planning judgement, but that the local planning authority is required to accord any identified harm to the significance of a designated heritage asset considerable importance and weight. This also applies to the duty under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act (see below).
64. The NPPF sets out the Government's national planning policy for the conservation of the historic environment and builds upon the 1990 Act referred to above. It also identifies protection and enhancement and establishes a presumption in favour of sustainable development in the planning system (paragraphs 6, 7 and 14). Good design is a key part of sustainable development, and the

Government attaches great importance in it (paragraph 56). The NPPF also states that the significance of listed buildings and conservation areas can be harmed or lost by alteration to them or development in their setting (paragraph 132) and that the conservation of heritage assets is a core principle of the planning system (paragraph 17). Paragraphs 132-134 state inter alia that when considering the impact of works on the significance of a designated heritage asset, great weight should be given to the asset's conservation; any harm requires clear and convincing justification. Where works will lead to harm to significance, Local Planning Authorities should refuse consent unless it can be demonstrated that the harm is necessary to achieve public benefits that outweigh that harm and that proposals which make a positive contribution to the asset should be treated favourably (paragraph 137). In making this assessment the decision maker should not apply the 'tilted balance' of paragraph 14 of the NPPF (even if it is otherwise applicable) but should place the priority on conserving the heritage asset free from harm, by refusing harmful proposals, unless there is sufficient public benefit to outweigh that harm.

65. Saved policy HB1 of the Mid Suffolk Local Plan 1998 states that a high priority will be placed on protecting the character and appearance of all buildings of architectural or historic interest, with particular attention to be given to the settings of listed buildings. Whilst the language used is different to that in the NPF, the aims are considered to be consistent such that the policy can be said to be largely compliant with the NPPF, thereby the policy can be afforded full weight in the determination of this application.
66. Worlingworth is a multi-nodal village, with Shop Street forming the eastern part of the settlement. The application site is located opposite some later linear C20th development to the north and east, whilst to the west is a C20th garage/workshop complex, with several Grade II listed assets to the west of the garaging at Widows Nest.
67. The listed assets at Widows Nest were historically isolated from Shop Street, however the large garage/workshop complex to the east of these buildings has eroded their isolated, rural setting. The application site does, however, serve as a break from the newer development on Shop Street, and the listed assets are still legible as a separate historic cluster. The proposed development would be a cul-de-sac formed of 26 dwellings with an area of open space in the centre of the plot. The layout of the development does not appear to respect the historic settlement morphology of Shop Street, which is traditionally more linear. The development of the application site will infill the break in development between the listed assets at Widows Nest and connect the listed assets with Shop Street, further eroding the intended isolated character of the buildings at Widows Nest.
68. However, it is noted that the Council's Heritage Team have responded that they consider that due to the outline nature of this scheme, it is difficult to assess the level of harm which the scheme may cause to the setting of adjacent heritage assets. This is considered to be unhelpful, given that the applicant has included layout in their submission and thereby provides a degree of certainty on that matter which many outline proposals do not. The application is also supported by a Heritage Statement which sets out the applicant's considerations of the impacts on the setting of heritage assets (as required by paragraph 128 of the NPPF) and the submitted plans show how the site could be laid out with the inclusion of a green space to the frontage of the site. Therefore, it is considered that sufficient information has been provided to enable an assessment to be made of the impacts on the significance of heritage assets and, as such, it is considered that the application can be determined in an informed manner. In simple terms, Officers consider that a conclusion can be drawn on the extent of the impact resulting from this development, including any subjective judgement of the potential scale and appearance of the proposed dwellings, from the information provided.
69. It is your Officers view that, whilst the proposal would erode the intended isolated character of Widow's Nest, the intrusion into the setting of this building from existing development has already

significantly eroded its setting such that it would be unreasonable to consider that this development would be overtly harmful. Furthermore, there would be little, if any, opportunity to see the new development in the same context as Widows Nest the curvature of the road taking the two sites out of the same eyeline.

70. Opportunities exist at the reserved matters stage to influence the finished appearance and scale of the proposed dwellings to minimise the impacts of the development (indeed, that point is acknowledged by the Councils Heritage Officer) such that Officers can conclude that this outline proposal would not result in harm to heritage assets.
71. In light of this, the proposal is considered to be acceptable in terms of the impact on heritage assets and the presumption in favour of sustainable development, as provided for in paragraph 14 of the NPPF, is engaged.

### Design and Layout

72. 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.
70. The NPPF goes on to state it is *"proper to seek to promote or reinforce local distinctiveness"* (Para 60) and permission should be *"refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions"* (Para 64). In addition, policy CS5 provides that *"All development will maintain and enhance the environment, including the historic environment, and retain the local distinctiveness of the area"* and thereby echoes the provision of the NPPF.
71. The matters of appearance, scale and landscaping are reserved for consideration at a later date. However, the application includes layout as a matter for detailed consideration, and comments on the layout have already been expressed and considered in the earlier 'Heritage' section of this report.
72. The layout proposes two main blocks of development to the east and western elements of the Shop Street frontage, set either side of the significant open space area which dominates the frontage. Access is provided to the west of the open space, wrapping along its southern boundary and serving properties set to the western and southern extremities of the site. Whilst reservations about the layout have been submitted, the proposal is considered to demonstrate a number of positive aspects, including;
  - Frontage development to Shop Street, replicating the pattern of development to the northern side of the road.
  - Good sized and well located public open space which will provide a positive frontage and retain a sense of openness.
  - Car parking sited to the rear of the frontages of the site such that the scheme would not be car dominated.
  - Retention of the public footpath through the site, and its supplementing with positive accessibility through the site, primarily across the open space.
  - Potential for strong landscaped buffers to the site boundaries, and good use of landscaping to break up property frontages.

73. In this regard, the layout is considered to provide a positive approach to the development of this site which incorporates strong and well-thought-out design elements to reflect local distinctiveness and create a positive sense of place. The scheme is, therefore, appropriate in layout terms and in accordance with the NPPF and the principles of saved policy GP1.
74. Indicate elevations and streetscenes have been provided with the application, though the matters of appearance and scale are not for consideration at this stage. However, these elevations demonstrate a variety of architectural approaches to the dwellings and the likely use of a range of materials, providing interest in the buildings. In this regard, a development of the type indicated in these details is likely to be appropriate in this location and would respect the constraints of the site and its environs.

#### Highway Safety and Transport

75. Paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. This is interpreted as referring to matters of highway capacity and congestion, as opposed to matters of highway safety. The courts have held that paragraph 32 should not be interpreted to mean that anything other than a severe impact on highway safety would be acceptable (*Mayowa-Emmanuel v Royal Borough of Greenwich* [2015] EWHC 4076 (Admin)).
76. Policy T10 of the Mid Suffolk District Local Plan requires vehicular access into and out of the site to be safe and an assessment made as to whether the existing local roads can suitably accommodate the impact of the proposal, whether adequate parking and turning spaces exist within the site and that the needs of pedestrians and cyclists have been met. This policy is considered to carry significant weight in the determination of this application as it complies with paragraph 32 of the NPPF which requires all schemes to provide safe access for all.
77. The existing access to the agricultural buildings and farm land located to the east of the site will remain unchanged. However, it is proposed to form a footway along the site frontage and therefore this access will become an over footway access.
78. Currently there is an over verge access from Shop Street to the agricultural field on the western end of the site frontage. This access will be relocated to immediately adjacent the Tuckwell's site. The field access will become an over footway access. It should be noted that, to facilitate the relocation of the field access and the footway along the site frontage a tree located within the verge will have to be removed.
79. Footways in the area are limited; with pedestrians walking in the carriageway and stepping off onto the verge when a vehicle approaches. To the west of the site however, i.e. adjacent to Maisie's Meadow, there is an existing footway which connects to the nearby primary school, approximately 270m walking distance to the east. Given this, it is concluded that the residents of the site can walk their children to school within a reasonable walking distance.
80. To the west of the site, on Shop Street, there are two informal bus stops. As these bus stops are immediately east of the site it can be concluded that the residents of the site can walk to the nearest bus stops. The aforementioned bus stops are used by bus services 1, 2, 3, 4, 5, 6, 7 and 8. These services provided limited opportunity for bus travel but, given the proximity of the bus stops and the recognition within the NPPF that public transport provision will change from rural to urban areas, the site is considered to provide some limited opportunity for travel by bus.
81. Access is submitted as part of this proposal, as are the details of the layout of the proposal which includes the internal road arrangement. The application is supported by a Transport Assessment which sets out how this proposal would impact on the existing highway network, and considers

the accessibility of the site. This has been considered by the LHA, who have raised some concerns over the visibility that can be achieved from the proposed access point and the sustainability of the proposal from a transport policy perspective. There was a difference of opinion between the applicant's Transport Consultant's and the LHA in terms of the required visibility requirements. The Transport Consultant refers to 'Manual for Streets' requirements (for 30mph speeds the 'y' distance is shown as 43m), whereas the LHA refer to the 'Design for Roads and Bridges' document which sets the 'y' value as 90m.

82. Further discussions occurred between the applicant's Transport Consultant and the LHA, and the Transport Consultant has provided further evidence to the LHA. The LHA recommends that any permission which the LPA may give should include the conditions relating to visibility (as shown on Drawing No. H05182/15/001 with an X dimension of 2.4m and a Y dimension of 90m), discharge of surface water, manoeuvring and parking, bin storage, estate road and footpath details, and finally pre-occupancy details. To conclude, the LHA hold no objection to the proposal, subject to conditions and obligations.

#### Sustainable Construction/Renewable Energy

83. The Core Strategy expects new development to be of a high standard of design and layout and that it will address the need for energy and resource conservation. Policy CS3 provides principles around low water use, passive design, solar gain and low impact materials which are also relevant to this proposal.
84. Paragraph 35 of the NPPF provides that Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to incorporate facilities for charging plug-in and other ultra-low emission vehicles.
85. The proposal is in outline form and does not address the renewable energy/sustainable construction elements to a satisfactory standard. However, as these matters are directly affected in the design and layout of the proposal they can, therefore, be addressed by a condition which will require these matters to be addressed as part of any reserved matters submissions.

#### Drainage and Flood Risk

86. The Flood and Water Team at SCC have issued a holding objection on the basis of the information submitted to date.
87. It is apparent that there is only a single viable method for drainage on the site and, therefore, the Flood and Water Team wish to be satisfied that this method is demonstrated to be able to be accommodated on the land. As such, until such time as the Flood and Water Team have been satisfied that this can be achieved, the proposal has not currently demonstrated that adequate drainage can be achieved.

#### Land Contamination

88. The Council's Contaminated Land Officer has confirmed that they are satisfied with the submitted information and that there are no further requirements with respect to Land Contamination.
89. In this regard, the proposal is considered to be acceptable in respect of Land Contamination

#### Ecology and Biodiversity

90. Regulation 9(5) of the Conservation of Habitats and Species Regulations 2010 (Implemented 1st April 2010) requires all "competent authorities" (public bodies) to "have regard to the Habitats Directive in the exercise of its functions." For a Local Planning Authority to comply with regulation 9(5) it must "engage" with the provisions of the Habitats Directive. The content of paragraph 118 of the NPPF is also applicable to the consideration of this proposal, as it states that when determining planning applications, consideration must be given to 6 principles. Two of those principles are particularly relevant to the consideration of this proposal, being;
- If significant harm is caused which cannot be avoided or mitigated by conditions, then planning permission should be refused.
  - Opportunities to integrate biodiversity in and around developments should be supported.
91. An ecological survey has been submitted for the proposed application (MHE Consultancy Ltd, June 2017). This report includes sufficient information to assess the impacts of development on protected and priority species. The ecological survey (MHE Consultancy Ltd, June 2017) submitted with the application sets out mitigation measures which would be required to be carried out by condition should this application be approved.
92. In this regard, the Council's Ecology Consultant identifies that;
- the precautionary mitigation strategy for amphibians and reptiles, (in particular Gt Crested Newts), should be followed to avoid any possible impacts to the protected species during the construction and post construction period.
  - Impacts to foraging and commuting bats should be mitigated through a low lighting scheme during construction and prior to occupation.
  - Impacts to nesting birds should be reduced by following precautionary practices during the construction period.
  - The impacts to hedgehogs should also be mitigated through precautionary clearance methods and compensated through recommendations for Hedgehog friendly fencing.
  - It is considered that protected and priority species will benefit from the proposed creation of additional hedgerows surrounding the red line boundary. This proposed 360 metre hedgerow will offset the removal of the 44 metre hedgerow adjacent to shop street. The species within this hedgerow should be a native species rich mix to be most beneficial for overall biodiversity.
  - Additional enhancements have also been highlighted for Swifts for this proposed development, which could be implemented to contribute to reduction of this species population decline. Impacts will be minimised such that the proposal is acceptable subject to the above conditions based on BS42020:2013.
  - In terms of biodiversity net gain, the enhancements proposed will contribute to this aim.
93. In this regard, securing these matters through a condition will ensure that the ecological requirements of this proposal are adequately addressed.

#### Residential Amenity

94. The Parish Council has raised concern as to overlooking and forward standing properties resulting from the proposed layout.
95. The proposed dwellings would be sited a considerable distance from neighbouring properties, most of which are on the opposite side of Shop Street and have their private amenity spaces located on the north side.

96. Notwithstanding the Parish Council comments, it is not considered that there are grounds to refuse this application on the basis of a resultant loss of amenity to neighbouring residences.

### Noise

97. The main issues in respect of noise relate to the impacts on future occupants of the dwellings from the adjacent commercial premises, and also the resultant noise from the construction of the development. These are considered in turn below.
98. The Council's Environmental Health Officer does not raise objection to the proximity of the proposal to the commercial development to the west, subject to securing the landscaped bund to the western boundary of the site. In the event that outline planning permission is granted, this will need to be secured by condition.
99. Construction Management would also need to be secured by condition to ensure that the construction of the development does not give rise to a detrimental loss of amenity to neighbouring properties, which lie in relatively close proximity to the site.
100. Subject to such mitigation being secured by condition, it is considered that the noise impacts resulting from, and impacting on, the development would be acceptable.

### Other Matters

#### Planning Obligations and CIL

101. The proposal gives rise to a number of infrastructure requirements which would need to be secured through a Section 106 agreement, through onsite delivery or through future CIL bids. This section considers these requirements and their impacts on the viability of the scheme.
102. In terms of the requirement for school places, based on existing forecasts, SCC will have surplus places available at the primary school and secondary school, but would have no surplus places at sixth form level.. This will result in a future CIL funding bid of at least £194,896 (2017/18 costs). At the secondary school level SCC will also have no surplus places available, for which a future CIL funding bid of at least £19.907 (2017/18 costs) will be made.
103. In terms of education, this leaves the matter of pre-school provision where it is further acknowledged that there is a surplus of places in the ward. On this basis no CIL funds will be sought for this proposed development to respond to pre-school provision needs.
104. In respect of libraries, the DCM sets out the requirements which will, again, be sought through future CIL bids if the development is taken forward.
105. Paragraphs 42-43 of the NPPF recognise that advanced, high quality communications infrastructure is essential for sustainable economic growth. The development of high speed broadband technology and other communications networks also plays a vital role in enhancing the provision of local community facilities and services, and that local planning authorities should support the expansion of electronic communications networks, including telecommunications and high speed broadband.
106. The provision of high speed broadband to the development would enable home-working, recognised as having benefits for the transport network and also contributes to social inclusion; it also impacts educational attainment and social wellbeing, as well as improving property prices and saleability.

107. SCC recommend that, as a minimum, access line speeds should be greater than 30Mbps, using a fibre based broadband solution, rather than exchange based ADSL, ADSL2+ or exchange only connections. The strong recommendation from SCC is that a full fibre provision should be made, bringing fibre cables to each premise within the development (FTTP/FTTH). This will provide a network infrastructure which is fit for the future and will enable faster broadband. As such, any permission granted should include a condition to secure high-speed broadband as part of the development.
108. In light of all of the above, it is apparent that the infrastructure provisions to mitigate the impacts of the development can be secured through a combination of planning obligations and CIL provision

#### **Details Of Financial Benefits / Implications (S155 Housing and Planning Act 2016)**

109. Granting this development will result in the following financial benefits:

- New Homes Bonus
- Council Tax
- CIL

These are not material to the planning decision.

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## **PART FOUR – CONCLUSION**

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### **Planning Balance**

110. This application brings about a number of issues which require careful attention in reaching a decision upon this proposal. What follows, therefore, is a balancing of those issues in light of the assessment carried out within the preceding paragraphs of this report.
111. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990, applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The consideration is, therefore, whether the development accords with the development plan and, if not, whether there are material considerations that would indicate a decision should be taken contrary to the development plan.
112. The development plan includes the Core Strategy 2008, the Core Strategy Focused Review 2012, and saved policies in the Mid Suffolk Local Plan 1998.
113. In light of this application relating to a proposal for new housing, a further important consideration in determining this application is that Mid Suffolk does not currently have a five-year supply of deliverable housing sites. Paragraph 47 of the NPPF requires LPAs to identify a 5 year supply of specific deliverable housing sites. Paragraph 49 of the NPPF states that 'relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites'.
114. Paragraph 14 of the NPPF states;

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

*For decision-taking this means:*

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

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

115. As such, the effect of paragraphs 47, 49 and 14 are that;
- the local authority should be able to identify a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements;
  - that where such a supply cannot be demonstrated, policies for the supply of housing should not be considered up-to-date, and;
  - where policies are not up-to-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole or where specific policies in this Framework indicate development should be restricted. Policy CS1 sets out a similar approach where relevant Core Strategy policies are out-of-date.
116. As set out at paragraph 38 above, the Supreme Court in May 2017 has clarified the position with regards to ‘policies for the supply of housing’ and how that is to be considered. Officers note that the judgement makes it clear that the meaning of that expression is not the real issue, and that the absence of a five year housing land supply triggers the application of paragraph 14 of the NPPF, and that in applying the ‘tilted balance’ required by this paragraph, it is necessary to consider the weight to attach to all of the relevant development plan policies.
117. It is considered that policies CS1, CS2, FC02 and H07 are policies for the supply of housing. It is, therefore, considered that paragraph 14 of the NPPF is engaged with regards to this proposal.
118. However, prior to considering the presumption in favour of sustainable development identified by paragraph 14, it is necessary to consider whether there are specific policies in the Framework that indicate development should be restricted. The footnote to this part of the NPPF identifies, amongst other things, policies relating to heritage assets, as being those which may indicate development should be refused.
119. In consequence of the Council’s heritage assessment, the NPPF (para 14, footnote 9 and paragraph 134) and the statutory duty imposed by section 66(1) of the Listed Buildings Act are to be taken into account in the consideration of the policy context.
120. As set out in the judgement on *Forest of Dean Council & the Secretary of State for Local Government v Gladman Developments Limited* (2016) EWHC 421 (Admin) and at the Court of Appeal in its decision on *Barnwell Manor Wind Energy Ltd v East Northants DC* [2014] EWCA Civ. 137 when an authority finds that a proposed development would harm the setting of a listed building or the character and appearance of a conservation area, it must give that harm considerable importance and that a finding of harm to the setting of a listed building or to a conservation area gives rise to a strong presumption against planning permission being granted.
121. The NPPF (para. 134) states that ‘where a development proposal will lead to less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposal including securing optimal viable use’.

122. In this instance, it can be concluded that the impacts of the development are not harmful and, therefore, the weighing exercise required by paragraph 134 of the NPPF is not engaged.
123. In this respect, where paragraph 14 of the NPPF provides a presumption in favour of sustainable development, it is necessary to consider whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in this Framework indicate development should be restricted. In light of the absence of identifiable harm to heritage assets, it can be concluded that there are not specific policies in the Framework that indicate that development should be restricted and, therefore, paragraph 14 can be engaged.
124. The Council does not have a five year housing land supply and considers therefore that limited weight should be attached to policies CS1, CS2, FC2, and H07. Whilst it is considered that the proposal does not strictly comply with these policies, any conflicts with these policies should be afforded limited weight.
125. The proposal delivers development of a scale that is in excess of what the Council's development plan policies would provide for in this secondary village. Furthermore, the location would give rise to the need to travel by car for some day-to-day services. There is, therefore, some moderate environmental harm resulting from the development which weighs against the development. However, because the scheme would look to maintain a significant open element to the site frontage and provide good levels of landscaping which bring about some biodiversity gains, the scheme also demonstrates some positive environmental aspects. No conflict has been found with policies which relate to design or landscape.
126. The site is considered to be a sustainable location, and the delivery of market and affordable housing would amount to considerable social and economic benefits from the proposed development, which would also make a significant and necessary contribution towards the Council's five-year housing land supply.
127. In applying the balancing exercise required by paragraph 14 of the Framework, I find that the significant social and economic benefits of the proposed development would not be capable of being significantly and demonstrably outweighed by the moderate environmental harm that has been identified. It is, therefore, considered that for these reasons the balance lies in favour of the proposed development.
128. As such, the proposal is considered to be sustainable development, in accordance with the three dimensions of sustainable development set out in the NPPF, and a recommendation of approval is therefore made. Whilst such a decision would not be in accordance with the development plan, viewed as a whole, it is an outcome that is envisaged by policies FC1 and FC1.1 of the Focused Review where the 'tilted balance' and the presumption in favour of sustainable development are engaged.

**Statement Required by Article 35 of the Town And Country Planning (Development Management Procedure) Order 2015.**

129. 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. In this instance the applicant has worked to address problems and has sought to resolve these wherever possible.

## **Identification of any Legal Implications of the decision**

130. The application has been considered in respect of the current development plan policies and relevant planning legislation. Other legislation including the following have been considered in respect of the proposed development.
- Human Rights Act 1998
  - The Equalities Act 2010
  - Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990
  - Natural Environment and Rural Communities (NERC) Act 2006 (any rural site)
  - The Conservation of Habitats and Species Regulations 2010
  - Localism Act
  - Consideration has been given to the provisions of Section 17 of the Crime and Disorder Act, 1998, in the assessment of this application but the proposal does not raise any significant issues.

## **RECOMMENDATION**

- 1) That subject to an acceptable drainage scheme being provided to the satisfaction of the Local Lead Flood Authority, the Corporate Manager – Growth and Sustainable Planning be authorised to grant planning permission, subject to the prior completion of a Section 106 or Undertaking on terms to their satisfaction to secure the following;
  - Affordable Housing (9 dwellings at a mix and tenure to be agreed with the Council's Professional Lead for Strategic Housing)
- 2) and that such permission be subject to the conditions including as set out below:
  - 1) Standard Time Limit Condition.
  - 2) Approved Plans
  - 3) Reserved Matters
  - 4) Sustainable Construction/Energy Strategy
  - 5) As requested by SCC Flood and Water Team
  - 6) Ecological mitigation and enhancement measures
  - 7) Lighting design to be submitted
  - 8) Details of fire hydrants
  - 9) Arboricultural method statement, tree protection plan with regards the final layout and a monitoring schedule
  - 10) Details of Materials
  - 11) Landscaping scheme to be submitted concurrently with reserved matters, including maintenance and management proposals.
  - 12) Construction Management Plan (Inc. construction hours, constructor parking, dust control and prohibition of burning)
  - 13) Precise details of landscaped bund to minimum of 1.8m in height adjacent to the boundary with Tuckwells
  - 14) Foul Water Strategy
  - 15) Archaeology
  - 16) Bin presentation points
  - 17) Discharge of surface water
  - 18) Manoeuvring and parking
  - 19) Estate road and footpath details
  - 20) Pre-occupancy details.

3) That in the event of;

- the Planning Obligation referred to in Resolution (1) above not being secured, or;
- the applicant failing to demonstrate that a drainage scheme can be achieved on the land to the satisfaction of the LLFA.

the Corporate Manager- Growth and Sustainable Planning be authorised to refuse planning permission on appropriate grounds.