

Committee Report

Item No: 6

Reference: DC/17/05549

Case Officer: Elizabeth Flood

Description of Development: Outline Planning Permission (with Some Matters Reserved) – Erection of 64 No. dwellings (including 22 No. affordable homes) with vehicular access from Stowmarket Road together with 2 No. dwellings accessed from Hill House Lane.

Location: Land North West of Hill House Lane Needham Market IP6 8RH

Parish: Needham Market

Ward: Needham Market

Ward Member/s: Cllr Mike Norris and Cllr Wendy Marchant

Site Area: 2.3 hectares

Conservation Area: No

Listed Building: No

Received: 03/11/17

Expiry Date: 06/02/18

Application Type: FUL – Full Planning Application

Development Type: Smallscale Major Dwellings

Environmental Impact Assessment: Environmental Assessment Not Required

Applicant: Mr D Bates, Mr J Bolton & Mr M Walton

Agent: Last & Tricker Partnership

DOCUMENTS SUBMITTED FOR CONSIDERATION

List of applications supporting documents and reports

- Planning Application Form;
- Planning Statement by Last & Tricker Partnership;
- Plans and other drawings relevant to the planning application prepared by Last & Tricker Partnership including Site Location Plan 5074/1 and Proposed Layout Plan 5094/3F, both received 3rd November 2017)
- Drainage Statement by JPC Environmental Services;
- Drainage Strategy by JPC Environmental Services;
- Outline Drainage Layout ref. IE17/074/200 P1
- Topographical Survey by Survey Solutions;
- Automated Traffic Counts, 3rd November 2017;

- Phase I Contaminated Land Assessment by JPC Environmental Services;
- Preliminary Ecological Assessment by Skilled Ecology Consultancy Ltd;
- Transport Statement by GH Bullard & Associates LLP;
- Economic Viability Analysis by Pathfinder Development Consultants;
- Landscape and Visual Impact Assessment by James Blake Associates;
- Letter from JPC Environmental Services in response to feedback received from Flood & Water Engineer Suffolk County Council on the JPC Environmental Services Level 1 Flood Risk Assessment & Drainage Strategy (IE17/074/DS) dated 23 January 2018.

The application, plans and documents submitted by the Applicant can be viewed online AT [BLANK] via the following link <https://planning.baberghmidsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OYULW3SHLBH00>.

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

PART ONE – REASON FOR REFERENCE TO COMMITTEE

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

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

PART TWO – APPLICATION BACKGROUND

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
CL2 Development within special landscape areas
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

Details of Previous Committee / Resolutions

4. None

Details of member site visit

5. None

Details of any Pre Application Advice

6. The applicants engaged in pre-application discussion in mid 2017.

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.

PART THREE – ASSESSMENT OF APPLICATION

Summary of Consultations

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

Needham Market Town Council – Needham Market Town Council supports approval of the application.

Anglian Water – Anglian Water would ask that the following text be included within the Notice should permission be granted.

“Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore, the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991 or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.”

Anglian Water would therefore recommend the following planning condition if the Local Planning Authority is mindful to grant planning approval.

No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

Reason – to prevent environmental and amenity problems arising from flooding.

BMSDC Environmental Health Air Quality – Satisfied that the development is of a scale which would mean that the existing good air quality will not be compromised and as such have no objection to the proposed development from the perspective of air quality.

BMSDC Environmental Health Noise, Odour, Light, Smoke – No adverse comments and no objection to the development.

BMSDC Environmental Health Land Contamination – Confirm that the Phase I report submitted is satisfactory and demonstrates that the risks posed by the site to future end users is low and as such confirm that there is no objection to the proposed development from the perspective of land contamination.

BMSDC Environmental Waste Management – The application does not make reference to policy CS3. There is no attempt to suggest methods by which the development would reduce water use, make use of sustainable construction techniques and materials and otherwise reduce the environmental impact of the development.

It is acknowledged that the application is for outline permission but considering the number of dwellings proposed some consideration of this topic area is expected. This council is keen to encourage consideration of sustainability issues at an early stage so that the most environmentally friendly buildings are constructed and the inclusion of sustained techniques, materials, technology etc can be incorporated into the scheme without compromising the overall viability.

As these items have not been addressed the recommendation is refusal, should the planning department consider setting conditions to ensure the development meets its environmental obligations the following is suggested.

Before any development is commenced a Sustainability & Energy Strategy must be provided detailing how the development will minimise the environmental impact during construction and occupation (as per policy CS3) including details on environmentally friendly materials, construction techniques minimisation of carbon emissions and running costs and reduced use of potable water (suggested maximum of 105ltr per person per day). Details as to the provision for electric vehicles should also be included. This document shall be submitted to, and approved in writing by, the Local Planning Authority.

BMSDC Heritage Officer – Considers that the proposal would cause no harm to a designated heritage asset because it would not have material impact on the setting of designated assets.

BMSDC Housing Officer –

Key Points

1. Background Information

A development proposal for 64 dwellings accessed off Stowmarket Road, Needham Market, with a further 2 dwellings accessed off Hill House Road, Needham Market. The total number of dwellings is 66.

This is an open market development and should offer 23 affordable housing units which = 35% policy compliant position.

The applicant is currently proposing to deliver 22 affordable homes on only 64 of the dwellings which is not a policy compliant position in terms of numbers of affordable homes.

23 affordable homes are required equating to 35% of 66 dwellings.

2. Housing Need Information

The Ipswich Housing Market Area, Strategic Housing Market Assessment (SMHA) document, updated in 2017, confirms a continuing need for housing across all tenures and a growing need for affordable housing.

The 2017 SHMA indicates that in Mid Suffolk there is a need for 94 **new affordable homes per annum**.

Furthermore, by bedroom numbers the affordable housing mix should equate to:

Ref2 Estimated proportionate demand for Affordable new housing stock by bedroom number	
Bed Nos	% of total new affordable stock
1	46%
2	36%
3	16%
4+	2%

This compares to the estimated proportionate demand for new housing stock by bedroom size across all tenures.

Ref3 Estimated proportionate demand for all tenure new housing stock by bedroom number	
Bed Nos	% of total new stock
1	18%
2	29%
3	46%
4+	6%

The Council's 2014 Suffolk Housing Needs Survey shows that there is high demand for smaller homes, across all tenures, both for younger people, who may be newly forming households, and also for older people who are already in the property-owning market and require different, appropriate housing, enabling them to downsize. Affordability issues are the key drivers for this increased demand for smaller homes.

The Council's Choice Based Lettings system currently has circa. 890 applicants registered for affordable housing in Mid Suffolk at May 2017.

The Council's Choice Based Lettings system currently has circa. 75 applicants registered for affordable housing, who are seeking accommodation in Needham Market as at November 2017.

This site is a S106 planning obligation site so the affordable housing provided will be to meet district wide need hence the **890** applicants registered is the important number.

3. Preferred Mix for Open Market homes

The proposed mix of homes on the site is acceptable as a mix of 1, 2, 3 and 4-bedroom homes are proposed, to include varying sized houses and bungalows. This will provide various property types and sizes suitable for a range of local households and will contribute towards meeting local housing need.

The inclusion of bungalows is welcome as this will provide opportunities for older people to downsize and those requiring one level accommodation.

- The **2014 Suffolk Housing Survey** shows that, across Mid Suffolk district:
 - 12% of all existing households contain someone looking for their own property over the next 3 years (mainly single adults without children). The types of properties they are interested in are flats / apartments, and smaller terraced or semi-detached houses. Although this is not their first preference, many accept that the private rented sector is their most reliable option.
 - 25% of households think their current property will not be suitable for their needs in 10 years' time.
 - 2 & 3 bed properties are most sought after by existing households wishing to move.
 - Suitable housing options for more elderly people are less available within the current housing stock. 6% of all households have elderly relatives who may need to move to Suffolk within the next 3 years.

4. Proposed mix for Affordable Housing

The Council's housing register at November 2017 shows circa. 75 applicants registered who wish to live in Needham Market.

23 of the proposed dwellings on the development should be for affordable housing. These have been offered in the form of: -

Rented – 17 dwellings: -

- 6 x 1 bed 2-person houses at 58 sqm
- 8 x 2-bedroom 4-person houses at 79 sqm
- 3 x 3 bed 5-person houses at 93 sqm

Shared Ownership – 6 dwellings: -

- 4 x 2 bed 4-person houses at 79 sqm
- 2 x 3 bed 5-person house at 93 sqm

The above mix is requested and to be included in the S106 agreement. The space standards must be clarified on this application.

5. Other requirements for affordable homes:

- Properties must be built to current Homes and Communities Housing Technical Standards March 2015.
- The council is granted 100% nomination rights to all the affordable units on first lets and a minimum of 75% on relets. A draft Nomination agreement should form one of the S106 agreement schedules.
- Adequate parking provision is made for the affordable housing units.
- Shared ownership initial shares should not exceed 70%.
- The affordable housing should be delivered at the same time as open market dwellings – a trigger mechanism should be included in the S106 agreement.

BMSDC Waste Services – No objection subject to condition.

BMSDC Urban Design (Place Services) -

Layout

The general layout appears satisfactory with access from Stowmarket Road and Hill House Lane. Allowance has been made to possible future access to wider developments to the north of the application site. This is encouraging to discourage cul-de-sac developments.

One area that is deemed unsuitable would be the siting of plots 32 and 33. It appears these plots have been allocated within infill land and designed as an afterthought. These plots are detached from the development and overlooked from all elevations. Further works are required to draw these plots into the wider scheme or for these to be removed.

Density

The overall density is deemed satisfactory but have concerns of the localised over development of plots 1-17 (North East Block). This is mostly concentrated around the offset distance between dwellings. The proposed layout plan shows an offset of 15-16m which has dramatic impact on rear privacy between dwellings. Typically it would be encouraged for a distance of 25m to be standard within a development of

this size and layout (Suffolk Design Guide states a distance of 36m). Should this be addressed it would have knock on affects to the wider layout along with the issues surrounding plots 32 and 33.

Garden Allocation

It is considered that garden allowances throughout the site are below standard. A number of plots currently show garden allocation of less than 50m". Typically it would be encouraged for 1-2 bed units to cater for 50m" or more and 3-4+ bed units to be 100m2 or more. Further review is required.

Public Open Space

It would be encouraged that an allowance for 4% of the overall site area is allocated to public open space (POS). The Suffolk Design Guides states an allocation of 10% is required, it would be advised that the planning officer provides comment on expectations for this development site.

Feature Buildings

There is currently strong opportunity to provide enhanced architectural prominence in several of the units to create feature buildings on key views and axis of the site. It would be recommended that plots 8, 51, 52, 47, 48 and 43 are allocated this status.

Footpaths

It is encouraged that footpath access is promoted along the southern boundary. It is felt this feature requires further enhancement through the increase in security and surveillance. It is deemed plots 1 and 17 provide a narrow and enclosed footpath section. It is felt that the boundary to these plots can be shifted northward to provide a more open footpath. It would also be encouraged that the elevation design of plots 1, 17 and 18 are addressed to accommodate suitable surveillance onto the proposed footpath.

Parking

It's clear off street parking has been the main steer as a strategy. There are a number of plots which show triple parking bays which is not encouraged and deemed unusable.

Summary

- Further review is required around the density and layout of the north east block (plots 1-17)
- Arrangement and layout of plots 32 and 33 is required.
- Public open space allocation requires clarification.
- Garden sizes require review and justification.
- Suitable surveillance is required to the southern proposed footpath.
- Triple parking bays are not encouraged and should be reviewed.

Should the above recommendations and issues be address it would be deemed that the application be acceptable from an Urban Design perspective.

BMSDC Landscape (Place Servcies) – Second Response 30th November 2017. In terms of the likely visual effect on the surrounding landscape, the proposal will inevitably have an impact on the existing rural edge character of Needham Market. The main development constraint is that the area falls within a Special Landscape Area (SLA) which means (according to the Mid Suffolk District Local Plan, 1998 – Policy CL2) the “development... should be sensitively designed, with high standards of layout, materials and landscaping”.

The following points highlight our key recommendations for the submitted proposals:

- 1) A landscape strategy needs to be produced which demonstrates how the proposal is to be incorporated into the existing landscape. The submitted landscape strategy should include the following sections:

- a. Context and character
 - b. Landscape Design Strategy
 - c. Landscape masterplan
 - d. Public open space
 - e. Boundary treatments (inc. sections)
 - f. Hard landscaping specification
 - g. Tree planting strategy
 - h. SuDS
- 2) As the site is located in a SLA it is advised that a minimum of Landscape and Visual Appraisal (LVA) is carried out. The *Guidelines for Landscape and Visual Impact Assessment*, Third Edition, by the Landscape Institute should be used as reference. The document should include:
 - a. Landscape constraints and opportunities
 - b. Analysis of visual impact from a number of viewpoint locations and key receptors
 - c. Mitigation proposals
 - 3) The proposed footpath along the south of the site should be widened to maintain a degree of openness and security. This would improve opportunities for passive surveillance from overlooking dwellings.
 - 4) Sustainable urban drainage systems (SUDs) should be explored and implemented where possible.
 - 5) It is considered that garden allowances throughout the site are below standard. A number of plots currently show garden allocation of less than 50m², as well as a number of plots having irregular shapes that would be unusable.
 - 6) If approved, a detailed landscape planting plan, landscape maintenance plan and specification, (which clearly sets out the existing and proposed planting), will need to be submitted. We recommend a landscape maintenance plan for the minimum of 3 years, to support plant establishment. SuDS features such as detention basin and others with landscaping elements are also to be included on the landscape management plan and ensure that adoption, is in place prior construction. This is to ensure appropriate management is carried out and to maintain functionality as well as ensure aesthetic quality.
 - 7) If approved, a detailed boundary treatment plan and specification will need to be submitted as part of a planning condition.

The proposal

The application plans set out the erection of 64 No. dwellings (including 22 No. affordable homes) with vehicular access from Stowmarket Road together with 2 No. dwellings accessed from Hill House Lane.

The application site is a field located to the north of Needham Market, to the west of Stowmarket Road (B1113) and north west of houses along Hill House Lane. The site comprises an area of approximately 2.3 hectares (5.96 acres).

Review of the submitted information

Relevant to this landscape review, the submitted application includes a Site Layout plan and Planning Statement.

The site layout plan shows the areas designated for residential development and green open space. As part of the requirements for developments in this area, a high standard of landscaping is needed. Currently the area designated to green open space is not sufficient and needs to be increased. This would not only enhance landscape mitigation, but also give the opportunity for SuDS to be incorporated

into the site layout. As the proposals develops, a greater level of detail will be required. This includes boundary treatments, a hard landscape specification and planting specification.

It is advised that the site layout is reviewed. Presently there are many proposed dwellings with either small or irregular shaped gardens that would be insufficient and in some cases unusable. It is advised that either dwelling numbers are reduced, or the site configuration is altered to better accommodate suitable garden sizes and shapes.

A footpath has been proposed on the southern boundary. It is felt this feature requires further enhancement through landscape enhancements and an increase in security and surveillance. Plots 1 and 17 currently provide a narrow and enclosed footpath section. It is felt that the boundary to these plots can be shifted northward to provide a more open footpath. This would encourage use of the footpath and would also address security and surveillance concerns.

Likely impact on the surrounding landscape

The Suffolk Landscape Character Assessment defines the site and the surrounding area as part of the Rolling Valley Claylands landscape character type. This can be defined by large greens or commons, fragmented ancient woodlands on the upper fringes and substantial and long-established hedges of hawthorn, blackthorn and dogwood. There is an expectation that many of these landscape principles will be designed into the emerging development proposals.

According to the Mid Suffolk District Local Plan (1998) the development site is part of a Special Landscape Area (SLA). Policy CL2 of the Local Plan states that “within special landscape areas, particular care will be taken to safeguard landscape quality, and where development does occur it should be sensitively designed, with high standards of layout, materials and landscaping.” Because of this, it would be expected that a landscape and visual appraisal was carried out to assess the impact the development will have on the existing landscape and surrounding settlements, as well as offer mitigation methods that can be implemented to reduce impact. Furthermore, it would be expected that a landscape strategy is produced.

As part of a site appraisal it is clear that the openness of the southern boundary, even with the existing settlements, will be impacted on by the development. Settlements should be appropriately designed to reduce this impact, but also tree and shrub planting should be used to soften boundary edges.

Proposed mitigation

There are many opportunities to introduce SuDS and further green space into the scheme. This should include areas of habitat creation through the introduction of an appropriate planting and hibernacula.

An appropriately detailed landscape and boundary plan will be required to support the application to both address the constraints and planning requirements, and to limit any negative visual effect the proposal may have on the existing settlement.

BMSDC Ecology (Place Services) – The precautionary mitigation and reasonable enhancement measures identified in the Preliminary Ecological Assessment (Skilled Ecology Consultancy Ltd, October 2017) - should be secured and implemented in full. This is necessary to conserve and enhance protected and priority species. A Lighting Design Scheme has also been advised to be implemented prior to occupation. This will mitigate the potential impacts from lighting on foraging and commuting bats which potentially use the boundary features. 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. Submission for approval and implementation of the details below should be a condition of any planning consent.

Environment Agency – Returning this consultation without comment because it is not clear why they have been consulted.

Highways England – Offer no objection.

Natural England – Has no comments to make on this application. Natural England has not assessed this application for impacts on protected species.

NHS England – The proposal comprises a development of 66 residential dwellings, which is likely to have an impact on the NHS funding programme for the delivery of primary healthcare provision within this area and specifically within the health catchment of the development. NHS England would therefore expect these impacts to be fully assessed and mitigated by way of a developer contribution secured through the Community Infrastructure Levy (CIL).

Review of Planning Application

There is 1 GP practice within a 2km radius of the proposed development. This practice does not have sufficient capacity for the additional growth resulting from this development and known cumulative development growth in the area. Therefore a developer contribution, via CIL processes, towards the capital funding to increase capacity within the GP Catchment Area would be sought to mitigate the impact.

Healthcare Impact Assessment

The intention of NHS England is to promote Primary Healthcare Hubs with co-ordinated mixed professionals. This is encapsulated in the strategy document: The NHS Five Year Forward View.

The primary healthcare service directly impacted by the proposed development and the current capacity position is shown in Table 1.

Table 1: Summary of capacity position for healthcare services within a 2km radius of the proposed development.

Premises	Weighted List Size	NIA (m ²) ²	Capacity ³	Spare Capacity (NIA m ²) ⁴
Needham Market Country Practice	12,438	432.10	6,301	-420.80
Total	12,438	432.10	6,301	-420.80

Notes:

1. The weighted list size of the Practice based on the Carr-Hill formula, this figure more accurately reflects the need of a practice in terms of resource and space and may be slightly lower or higher than the actual patient list.
2. Current Net Internal Area occupied by the Practice
3. Based on 120m² per GP (with an optimal list size of 1750 patients) as set out in the NHSE approved business case incorporating DH guidance within "Health Building Note 11-01: facilities for Primary and Community Care Services".
4. Based on existing weighted list size.

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

Although, due to the unknown quantities associated with CIL, it is difficult to identify an exact allocation of funding, it is anticipated that any funds received as a result of this development will be utilised to

reconfigure or extend the above mentioned surgeries. Should the level of growth in this area prove this to be unviable, options of relocation of services would be considered and funds would contribute towards the cost of new premises, thereby increasing the capacity and service provisions for the local community.

Developer Contribution required to meet the Cost of Additional Capital Funding for Health Service Provision Arising

In line with the Government's presumption for the planning system to deliver sustainable development and specific advice within the National Planning Policy Framework and the CIL Regulations, which provide for development contributions to be secured to mitigate a development's impact, a financial contribution is sought.

Assuming the above is considered in conjunction with the current application process, NHS England would not wish to raise an objection to the proposed development.

NHS England is satisfied that the basis of a request for CIL contributions is consistent with the Regulation 123 list produced by Mid Suffolk District Council.

Suffolk Fire & Rescue – 21st November 2017. Access and Fire Fighting Facilities – Access to buildings for fire appliances and firefighters must meet with the requirements specified in Building Regulations Approved Document B, (Fire Safety), 2006 Edition, incorporating 2010 and 2013 amendments Volume 1 – Part B5, Section 11 dwelling houses, and, similarly, Volume 2, Part B5, Sections 16 and 17 in the case of buildings other than dwelling houses. These requirements may be satisfied with other equivalent standards relating to access for fire fighting, in which case those standards should be quoted in correspondence.

Suffolk Fire and Rescue Service also requires a minimum carrying capacity for hard standing for pumping/high reach appliances of 15/16 tonnes, not 12.5 tonnes as detailed in the Building Regulations 2000 Approved Document B, 2006 Edition, incorporating 2010 and 2013 amendments.

Water Supplies – Suffolk Fire and Rescue Service recommends that fire hydrants be installed within this development on a suitable route for laying hose, i.e. avoiding obstructions. However, it is not possible, at this time, to determine the number of fire hydrants required for fire fighting purposes. The requirement will be determined at the water planning stage when site plans have been submitted by the water companies.

Suffolk Fire and Rescue Service recommends that proper consideration be given to the potential life safety, economic, environmental and social benefits derived from the provision of an automatic fire sprinkler system.

Consultation should be made with the Water Authorities to determine flow rates in all cases.

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

Whilst most infrastructure requirements will be covered under Mid Suffolk District Council's Regulation 123 list of the CIL charging schedule it is nonetheless the Government's intention that all development must be sustainable as set out in the National Planning Policy Framework (NPPF). On this basis, the County Council sets out below the infrastructure implications with costs, if planning permission is granted and implemented.

A planning obligation or planning conditions will cover site specific matters.

The National Planning Policy Framework (NPPF) paragraph 204 sets out the requirements of planning obligations, which are that they must be:

- a) Necessary to make the development acceptable in planning terms;
- b) Directly related to the development; and,
- c) Fairly and reasonably related in scale and kind to the development.

The County and District Councils have a shared approach to calculating infrastructure needs, in the adopted Section 106 Developers Guide to Infrastructure Contributions in Suffolk.

Mid Suffolk District Council adopted their Core Strategy in September 2008 and Focused Review in December 2012. The Core Strategy includes the following objectives and policies relevant to providing infrastructure:

- Objective 6 seeks to ensure provision of adequate infrastructure to support new development; this is implemented through Policy CS6: Services and Infrastructure.
- Policy FC1 and FC1.1 apply the presumption in favour of sustainable development in Mid Suffolk.

Community Infrastructure Levy

Mid Suffolk District Council adopted a CIL Charging Schedule on 21st January 2016 and charges CIL on planning permissions granted from 11th April 2016. Regulation 123 requires Mid Suffolk to publish a list of infrastructure projects or types of infrastructure that it intends will be, or maybe, wholly or partly funded by CIL.

The current Mid Suffolk 123 List, dated January 2016, includes the following as being capable of being funded by CIL rather than through planning obligations:

- Provision of passenger transport
- Provision of library facilities
- Provision of additional pre-school places at existing establishments
- Provision of primary school places at existing schools
- Provision of secondary, sixth form and further education places
- Provision of waste infrastructure

As of 6th April 2015, the 123 Regulations restrict the use of pooled contributions towards items that may be funded through the levy. The requirements being sought here would be requested through CIL, and therefore would meet the new legal test. It is anticipated that the District Council is responsible for monitoring infrastructure contributions being sought.

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 64 dwellings, namely:

- a. Primary school age range, 5-11: 16 pupils. Cost per place is £12,181 (2017/18 costs).

- b. Secondary school age range, 11-16: 12 pupils. Cost per place is £18,355 (2017/18 costs).
- c. Secondary school age range, 16+: 3 pupils. Costs per place is £19,907 (2017/18 costs).

The local catchment schools are Bosmere County Primary School and Stowmarket High School. The agreed strategy at primary school level is to expand the existing primary school.

Based on existing forecasts, SCC will have no surplus places available at the Primary School. This will result in a future CIL funding bid of at least £194,896 (2017/18 costs). At the secondary school level SCC will have no surplus places available, for which a future CIL funding bid of at least £279,981 (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 a maximum of 7 pre-school children at a cost per place of £8,333.

However, there are currently 57 places available in this ward. Therefore, early years has sufficient places to meet any children arising from the scheme.

From September 2017, working families may get an additional 15 hours' free childcare entitlement per week on top of the current 15 hours, giving a total of 30 hours a week for 38 weeks of the year.

- 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.

A planning obligation or planning conditions will cover site specific matters.

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. £13,824, 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 $(30 \times £3,000) = £90,000$ 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 & Water – Recommend approval of this application subject to conditions.

SCC Highways – Recommends conditions. Also requests the following S106 contributions;

To improve access for pedestrians to access the bus stops on Stowmarket Road:

- A footway link is to be constructed from the development site to the bus stop on the west of Stowmarket Road.
- Improve bus stop layout and extend the bus layby to 53m therefore allowing buses can get in properly and pull up at the raised area without handing the rear end into traffic.
- Construct a pedestrian crossing point between Gipsy Lane and the bus stops.
- Construct dropped crossing points on Hill House Lane.

The estimated build cost for the improvements is £100,000.

Representations

9. Five representations have been received making the following comments (summarised);
 - View that permission should not be granted for further development within Needham Market beyond that which is already taking place, or is scheduled to take place as the infrastructure within the town is already under strain in terms of traffic flow, schooling and medical facilities at the Needham Market Country Practice.
 - The planned current layout shows no regard or consideration for the properties in Hill House Lane.

- Proposed public footpath will run directly behind my property and deciduous hedge would have a considerable impact on the privacy and residential amenity as a result of footfall and noise pollution.
- It is usual to have a buffer zone between existing properties and any development and require the erection of a 2 metre close boarded fence.
- Any pedestrian footpath should be within the development itself and sited beyond the fencing to maintain privacy and minimise noise pollution.
- The first spur of the road with the lay-by providing a turning point and access to driveways is extending the full width of my property, and without adequate screening this will expose me to both noise pollution and parked cars on the road itself.
- Fencing and adequate screening should be in place to separate the estate from the existing properties in Hill House Lane.
- Concerned as to the blocking of access to the oil tank in their rear garden, and safety due to the footpath being located close to it.
- Concerns over loss of privacy.
- Loss of wildlife.
- Purchased property due to location and views.
- Loss of property value
- A residential development outside the settlement boundary cannot be considered a reasonable extension to Needham Market when brown field sites remain undeveloped or unfinished within the settlement boundary.
- The proposed development would create genuine visible urban sprawl into the open countryside. It's also fair to assume that if this application is passed, then it would be the first stage for additional development in adjoining fields, adding further to urban sprawl.
- The development is a considerable distance from the main infrastructure and facilities of the town. Those living on the extreme edges risk being isolated from the main community.
- The road from the junction of Hill House Lane to the top of Badley Hill is a notoriously dangerous stretch of road with several serious accidents in recent years. The junction into the new development raises considerable road safety concerns on an already extremely busy road.
- The road and drains from Hill House Lane adjacent to the proposed development remain unadopted by the County Council after 15 years, and the proposed development will use the same soakaway putting further strain on Needham Market's drains with an increased risk of flooding.
- This new application plus the developments at the old Chalk Pits and the top of Hill House Lane, plus the application at Barking Road, if an appeal is successful, will mean 500+ new houses with no improvements to core facilities of the school and doctors surgery. A significant growth in housing without a growth in infrastructure risks turning Needham Market from a vibrant community into a dormitory town.
- This is the 3rd planning application for works on Stowmarket Road in a short space of time, Network Rail for the footpath crossing, 9 properties with direct access to Stowmarket Road.
- We also learn that Needham Town Council is looking at a link road between Stowmarket Road and the Barking Road.
- All these proposals will require alterations to the Highway and the foot/cycle paths. It begs the question should all these proposals be considered as a whole rather than individual.
- A blind road is proposed towards the far end of the development could this not be considered as the entrance to this development and linked to the start of a link road onto Stowmarket Road.

- The height of the land behind the trees on the road is higher than the main road if the proposal is for two story properties this will lead to a loss of privacy for the existing properties on Stowmarket Road.
- In respect of Plot 1 and 17 - ensure that there are no windows at first floor level and above to protect the privacy and residential amenity of the occupiers of Dodds Mead.
- It would be beneficial to occupiers of Dodds Mead and other residents of Hill House Lane affected by the proposal if the plots were set back further away from our existing properties and there was a wider pedestrian footpath link at the rear of Dodds Mead (if the footpath goes ahead in the proposed location) to separate the proposed development from the existing properties in Hill House Lane.

The Site and Surroundings

10. The site consists of a parcel of agricultural land lying to the north-west of Needham Market.
11. Measuring 2.3 hectares, the site forms part of a larger field and is framed by the B1113 to the north-east and Hill House Lane to the south-east. The B1113 is the main road through Needham Market, leading through High Street when travelling south and towards Stowmarket when travelling north.
12. The boundary with the B1113 consists of mature trees set behind a short length of green verge. It provides an attractive soft edge to this entrance into Needham Market. To the opposite side of the B1113 is a run of detached properties, consisting of a mix of scales and of varying forms.
13. Along the northern-west edge of Hill House Lane (to the south-east of the site) are properties fronting Hill House Lane. These properties do not benefit from deep plots, having relatively short gardens that terminate close to the site boundary. The site can be seen in the breaks between these properties and is thereby visible from Hill House Lane.
14. There is a change in the land levels across the site, raising up from the B1113 but also falling in the north.
15. The site lies within a Special Landscape Area and, whilst it lies close to the watercourse running under Badley Bridge, it is well outside the identified Flood Zones 2 and 3. The site is not within the Conservation Area nor in the immediate vicinity of any listed buildings.

The Proposal

16. The proposal seeks the principle of developing the site for a total of 66 dwellings, with 64 proposed off a new access onto Stowmarket Road, and a further two located as infill development off Hill House Lane.
17. The proposal includes the provision of 22 affordable dwellings and includes the detailed matter of access for consideration. The matters of appearance, landscaping, layout and scale are reserved for consideration at a later date as reserved matters.
18. The scheme provides for a density of 28 dwellings per hectare and an indicative layout is submitted which shows how the development could be laid out. The access point would be provided to the northern end of the site frontage.
19. Whilst the site forms part of a larger field, the proposal seeks to draw a boundary to the site where existing terminates on the opposite side of the B1113.

20. The application is also submitted with a number of supporting documents, including a Transport Assessment, Landscape and Visual Impact Assessment and Drainage Strategy.

Main Considerations

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

The Principle Of Development

22. 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.
23. 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).
24. 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.
25. 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.

26. 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.
27. 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.
28. A summary of the MSDC 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
29. 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.
30. 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."*
31. 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

32. 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."*
33. 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.
34. The assessment of this proposal, therefore, moves to the three dimensions of sustainable development set out in the NPPF.
35. Whilst the application site falls within the parish of Needham Market, it is to the north of the town and outside the settlement boundary. Therefore, for the purposes of planning policy, it is within the countryside and outside of any settlement boundaries.
36. 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 existing residential dwellings and within reasonable distance of day-to-day facilities and services. Paragraph 17 of the Framework sets out a series of core planning principles, including to *"actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable"*. It is your Officer's opinion that the site represents a sustainable location, being easily accessible to a range of primary and secondary services and facilities, employment opportunities and public transport and cycling routes, and these shall be subject to more detailed assessment later in this report. This includes access to education, employment, retail, services and facilities, sports and recreation via means of transport other than the car. The site also offers the opportunity to maintain or enhance existing bus, cycle and pedestrian routes, which are readily accessible from the site.
37. 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

38. 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'.
39. 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.

40. 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 Needham Market, supporting and benefitting the existing retail and service offer.
41. The proposed development will generate a number of jobs during the construction period. Research by the Home Builders Federation (HBF) estimates that every new home built generates 1.5 direct construction jobs. Applying this figure to the proposed development, it is anticipated that up to 99 jobs could be generated. The proposed development would also generate construction related indirect and induced economic benefits. This would see additional jobs being supported within the supply chain, related businesses and onward expenditure within the district during the construction period.
42. The application site is a sustainable location for new development, located close to Needham Market. The provision of new housing can deliver a range of wider benefits, including growing the local population and increasing the supply of labour. This 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.
43. The development is, therefore, considered to be economically sustainable.

Social Dimension

44. 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”*.
45. 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.
46. Furthermore, the scheme would make a considerable contribution to affordable housing in the district, providing upto 22 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.
47. The site is well served by public transport, there being bus stops just a short distance from the junction of Hill House Lane and the B1113. The site also benefits from a footway that runs the length of the road, leading back into the town, and the B1113 also contains cycle lanes. The site is inherently accessible, by a range of transportation modes.
48. The proposal also includes open space, and is within walking distance of Crowley Park.
49. 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

50. 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”*.
51. 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 have submitted a viability assessment with the proposal which demonstrates that the proposal is viable.
52. The site can, therefore, be considered to be deliverable and this should be weighed accordingly in balancing the issues on this application.

Environmental Dimension

53. 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

54. 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 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.
55. A Landscape and Visual Assessment (LVIA) has been submitted in support of the application. Whilst, at the time of writing this report, the response to this is awaited from the Council's Landscape consultant, the LVIA is considered to present a robust assessment of the landscape impacts in line with those perceived by your Officers. The LVIA concludes that
 - The site and its immediate area comprises two landscape types: Rolling Valley Claylands and Valley Meadowlands. The area is dominated by large arable fields. Settlement is scattered throughout the landscape, with parishes tending to have multiple, often linear, built clusters.
 - The site lies within a Special Landscape Area. Under Planning Policy CL2 (saved policy) development is not restricted within the SLA, but there is an emphasis on sensitive design (i.e. a high standard of layout, materials and landscape) in order to safeguard landscape quality.

- Views are possible towards the site from all directions. Near distance, open views are possible from Stowmarket Road to the north east of the Site and Hill House Lane to the south east. Views from the south west are largely filtered by woodland vegetation (including Long Plantation and Short Plantation) and topography. Long-distance views towards the site are possible from the Gipping River Valley to the west and The Creetings to the east, however the site forms a minor part of the view from The Creetings.
- During the construction phase the proposed development will have some landscape and visual effect, with the most significant effects occurring close to the site. During the construction phase there will be a temporary site wide disturbance during the removal of existing trees, alterations to the existing topography and the provision of temporary infrastructure such as access, site compounds and parking, the storage of materials, erection of temporary fencing/hoardings, use of operational plant and general construction works.
- On completion, it is acknowledged that the nature and land use of the site will permanently change from greenfield land to built development. In the long-term, there will be a net gain in tree cover and vegetation on Site, with a long-term Minor Beneficial scale of effect.
- The assessment of effects on a number of identified visual receptors shows that the construction phase will be the most disruptive in terms of visual amenity. Residents of Hill House Lane and Stowmarket Road who directly overlook the site (and have varying views depending on the level of intervening vegetation) and users of RB15 and FP23 will be most affected. In wider views, the effects of the proposed development will be Negligible due to distance, topography and intervening vegetation.
- Over time as the strategic landscape planting matures, the new residential development will integrate into the existing landscape, improving visual amenity. The residual visual effect of the permanent development to the majority of receptors will be Minor Adverse to Negligible.
- Secondary mitigation and monitoring measures to minimise the probability of landscape and visual effects occurring, and ensure the successful completion of the scheme have been identified include detailed design (including discharge of planning conditions); construction; implementation and monitoring; and long-term management.
- It should be acknowledged that any development will give rise to change in the landscape of the area and the views of receptors. The degree of change will influence the judgement on acceptability and will need to be balanced with the overall benefits delivered by the scheme.
- The proposal will form a noticeable extension to the existing settlement of Needham Market, extending development over the ridgeline. However, the Site is strongly associated with existing development along Hill House Lane and has been carefully design to mitigate the adverse effects of the development.
- In conclusion, although there will be some localised loss of visual amenity proposed planting within the Site will help to soften and screen views of the development. The majority of residual landscape effects will be Negligible with a Minor Adverse effect on the overall Character of the Site with a Minor Beneficial effect on on-site vegetation.

56. The above assessment forms a robust consideration of the landscape impacts, acknowledging that effects will exist but that these will be softened over time. The conclusion provides a comprehensive assessment of the main considerations to be taken into account when the detailed design of the proposal is brought forward.

57. Saved policy CL2 of the Local Plan states that *“within special landscape areas, particular care will be taken to safeguard landscape quality, and where development does occur it should be sensitively designed, with high standards of layout, materials and landscaping”*. As noted, the policy details matters of layout, materials (appearance) and landscaping as key factors in reaching a sensitive design approach to development in the SLA. These details are predominantly

factors for consideration at the reserved matters stage, though consideration of the indicative layout submitted with this proposal demonstrates that there is scope to provide additional landscape planting to help soften the development as suggested by the LVIA.

58. The proposal is, therefore, considered to be acceptable in terms of its landscape impacts.

Impact on Heritage Assets

59. The site does not lie adjacent to any listed buildings and is some distance from the Conservation Area.
60. The Council's Heritage Team have identified that the proposal would not cause harm to heritage assets and, as such, it is concluded that the proposal is acceptable in terms of its impacts on heritage assets.
61. At the time of writing this report, a response is awaited from the Archaeological Service with regards to the impacts of the development on matters of archaeological importance.

Design and Layout

62. 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.
63. 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.
64. The matters of layout, scale, appearance and landscaping are reserved for consideration at a later date. It is considered that the proposal will offer opportunities for good levels of landscaping to be secured, to provide a development that offers an attractive entrance into the town and which takes the opportunities to enhance the existing access into the town.
65. The indicative site plan demonstrates that good linkages and accessibility into and out of the site can be achieved, that opportunities have been taken to provide footpath links where possible and that a development of the scale proposed by this application can be delivered on the site without resulting in the loss of important features of the site, such as the strong hedgerow which lines the B1113.
66. Therefore, it can be determined that the proposal meets the tests set out in the NPPF for providing quality design and also meets local plan policies dealing specifically with design issues.

Highway Safety and Transport

67. 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)).

68. 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.
69. Taking first the matters of accessibility and sustainable travel, there can be little doubt as to the sustainability of the site in terms of access to alternative methods of transport. The site is linked by footpaths into the town, and there are bus stops close to the junction with Hill House Lane which provide regular services to Stowmarket, Ipswich and Bury St Edmunds. Needham Market also benefits from a train station which enables further opportunities to commute.
70. The application is supported by a Transport Assessment which assesses all aspects of the highways impacts of the development. It concludes that;
 - The site lies well within the 30mph limit.
 - Walking, cycling and public transport are all accessible.
 - The accident records do not suggest an underlying accident problem that needs to be addressed.
 - All of the roads are operating well within their capacity.
 - There will be a requirement for some offsite highway works.
 - In terms of paragraph 32 of the NPPF, the proposal would not result in residual cumulative impacts which are severe.
 - The developer will ensure a robust Construction Management Plan is put in place to minimise the potential for construction traffic.
 - The Travel Plan will encourage residents to make use of more sustainable transport options for their journey.
 - The development and proposed mitigation measures adequately meet National and Local Transport policies.
71. Access is a matter for detailed consideration. The LHA have recommended a number of conditions to ensure that suitable access is achieved which, given the straight nature of the road and the site entrance being set well within the 30mph limit, are considered to be reasonable and achievable. The LHA have raised no concerns over the site access or the capacity of the road network to accommodate the development, and it can be concluded that the proposal is acceptable in the terms prescribed by the NPPF and policy T10.
72. Parking would be required to be provided in accordance with the parking standards (and will be the subject of detailed consideration under reserved matters as part of the layout of the site) and the proposal would also need to make provision for appropriate cycle parking and electric charging points. Again, these are matters for detailed consideration at the reserved matters stage.
73. The LHA have required some site-specific contributions to be achieved to improve access for pedestrians to access the bus stops on Stowmarket Road. These include;
 - A footway link is to be constructed from the development site to the bus stop on the west of Stowmarket Road
 - Improve bus stop layout and extend the bus layby to 53m therefore allowing buses can get in properly and pull up at the raised area without hanging the rear end into traffic.

- Construct a pedestrian crossing point between Gipsy Lane and the bus stops
- Construct dropped crossing points on Hill House Lane.

74. These requirements are considered reasonable and necessary and can be achieved through a planning obligation.

Sustainable Construction/Renewable Energy

75. 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.

76. 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.

77. The proposal is in outline form and does not address the renewable energy/sustainable construction elements to a satisfactory standard. However, as identified by the Council's Sustainability Officer, these matters are directly affected in the design and layout of the proposal and 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

78. The site lies within Flood Zone 1, where the land is not considered to be at risk of flooding.

79. The applicants, through their appointed drainage specialists, have responded to the initial concerns of the Flood and Water Team at SCC, and have satisfied the Local Lead Flood Authority that the drainage scheme proposed is both achievable and viable. This has included the need to engage with, and satisfy, the East Suffolk Internal Drainage Board (IDB), due to the site draining in the River Gipping 186 catchment.

80. Both the IDB and the Flood and Water Team have confirmed that they are satisfied with the drainage proposal, and conditions are recommended to secure the provision of, and maintenance of, a the drainage scheme, a construction surface water management plan and that all details of the drainage scheme are submitted for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.

81. As such, it has been adequately demonstrated that the site is not at risk of flooding and that appropriate drainage can be achieved on the site.

Agricultural Land Classification

82. Paragraph 112 of the NPPF states that *"Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality"*.

83. In the context of the test set out within the NPPF, the development is not considered to be 'significant' so the test is not enacted. As such, it is your Officers opinion that the loss of BMV land in this case is not significant, and would not weigh heavily against the development.

Land Contamination

84. 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.
85. In this regard, the proposal is considered to be acceptable in respect of Land Contamination.

Ecology and Biodiversity

86. 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;
87. 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.
88. The Council's Ecology Consultant raises no objection to the development, stating the submitted Preliminary Ecological Assessment (Skilled Ecology Consultancy Ltd, October 2017) includes sufficient ecological information to assess the impacts of development on designated sites, protected species and priority species/habitats. The precautionary mitigation and reasonable enhancement measures identified in the Preliminary Ecological Assessment should be secured and implemented in full. This is necessary to conserve and enhance protected and priority species.
89. Furthermore, the Ecology Consultant recommends that a Lighting Design Scheme be implemented prior to occupation. This will mitigate the potential impacts from lighting on foraging and commuting bats which potentially use the boundary features. 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.
90. As such, notwithstanding local concerns as to the extent of wildlife and ecology interests on this site, the proposal has demonstrated that suitable mitigation and enhancement can be achieved through the design process such that this would not weigh against the development.

Residential Amenity

91. Policies within the adopted development plan require, inter alia, that development does not materially or detrimentally affect the amenities of the occupiers of neighbouring properties. This requirement is emphasised in the NPPF Core Values in paragraph 17, where it states that all schemes should seek a good standard of amenity for all existing and future occupants of land and buildings.
92. Comments received by local residents raise concerns with the proximity of some of the properties to the boundaries of their properties and to the siting of a public footpath along the Hill House Lane boundary.
93. As previously detailed, the application is in outline form were the layout submitted is indicative. The relationship of dwellings to the rear gardens of existing properties would, therefore, be a

matter for consideration at the reserved matters stage, where the physical layout of the buildings themselves (and their window positions) would also be fully detailed. The proximity of buildings would not, for example, be of such consequence if they were of single-storey construction, and the main consideration is, therefore, whether a scheme that delivers upto 66 dwellings on this land can be achieved without giving rise to a detrimental loss of residential amenity.

94. The site delivers a density of approximately 28 dwellings per hectare, which is not considered to be unreasonable given the edge of town location and the character of development on Hurstlea Road and its associated spurs. There is, therefore, scope within the site to look to address any perceived amenity impacts through revisions to the layout and through the scale of development where it is close to existing residential boundaries. The applicants have seen the content of the concerns raised by local residents and would, therefore, appreciate the need to address these comments within the detailed proposals for the site.
95. For these reasons, the proposal is not considered to result in an over-development of the site which would result in an unacceptable level of amenity for neighbouring residents. The site is of a size that can accommodate this quantum of development where the detailed design elements would need to directly address the interaction between new and existing properties.

Other Matters

Needham Market Neighbourhood Plan

96. In considering the appeal into the nearby Anderson Close site, in 2016, the Planning Inspector considered the weight to be given to the Neighbourhood Plan. The position with regards to the progress of the Neighbourhood Plan remains as it did at the time of that appeal.
97. The Planning Inspector found that *“The emerging Neighbourhood Plan has been the subject of a number of public consultation events. However, it has not, as yet, been submitted to the District Council in order that a public consultation exercise can be undertaken, prior to the holding of an Independent Examination. As such, and having regard to paragraph 216 in The Framework, I have afforded the emerging Neighbourhood Plan limited weight.*

The emerging Neighbourhood Plan includes policies in respect of housing, community services, employment, conservation and education. With regards to housing, Policy NM1 says that the emerging Neighbourhood Plan supports the delivery of a minimum of 470 homes during the plan period (2015 – 2030). It goes on to say that of these, 94 have already been completed on ‘The Maltings’ site. In addition, planning permission has been granted for a further 266 to be developed on Needham Market Chalk Quarry site and from the year 2022 the possibility of a greenfield extension to the town is anticipated to accommodate the remaining 110 homes.

It is clear from the emerging Neighbourhood Plan that the Town Council anticipates the need to develop housing on greenfield sites in the future. Furthermore, in addition to those dwellings already completed or with planning permission, there is a need to develop a further 110 dwellings in order to meet the minimum housing requirement in the plan period. The development of 37 dwellings on the appeal site would go some way towards meeting this requirement”.

98. In this regard, and as progress of the NMNP has not moved forward to submission or examination, the weight to be given to it remains limited. However, it is apparent that the plan provides for a minimum quantum of housing to be provided, and also does not preclude the development of greenfield sites. The Town Council have indicated their support for this proposal which, combined with all of the reason given above, is considered to recognise that this development would not conflict with the aims of the NMNP.

Delivery of Infrastructure/Planning Obligations and CIL

99. 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.
100. In terms of the requirement for school places, the local catchment schools are Bosmere County Primary School and Stowmarket High School. The agreed strategy at primary school level is to expand the existing primary school and, based on existing forecasts, SCC will have no surplus places available at the primary school. 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 £279,981 (2017/18 costs) will be made.
101. 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.
102. 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.
103. 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.
104. 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.
105. 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.
106. NHS England have responded in respect of healthcare provision, and have recognised that there is 1 GP practice within a 2km radius of the proposed development. This practice does not have sufficient capacity for the additional growth resulting from this development and known cumulative development growth in the area. Therefore, a developer contribution, via CIL, towards the capital funding to increase capacity within the GP Catchment Area would be sought to mitigate the impact.
107. 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)

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

- New Homes Bonus
- Council Tax
- CIL

These benefits are noted, however have not been held as material in reaching this recommendation.

PART FOUR – CONCLUSION

Planning Balance

109. 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.
110. 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.
111. The development plan includes the Core Strategy 2008, the Core Strategy Focused Review 2012, and saved policies in the Mid Suffolk Local Plan 1998.
112. 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'.
113. 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”.*
114. 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.
115. 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.
116. 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.
117. 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.
118. In this instance, it is not considered that there are specific policies in the Framework which would direct that development should be restricted. and, therefore, paragraph 14 can be engaged.
119. 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, being development outside of an established settlement boundary, any conflicts with these policies should be afforded limited weight.
120. Therefore, whilst the proposal is not in accordance with the development plan as a whole, it is considered that the adverse impacts from the proposed development do not significantly and demonstrably outweigh the benefits of the development explained in this report.
121. 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.

122. 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

123. 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 no objections being received from the Archaeological Service, grant planning permission, subject to the prior completion of a Section 106 or Undertaking on terms to the satisfaction of the Corporate Manager – Growth and Sustainable Planning to secure the following heads of terms;

- Affordable Housing (22 dwellings at a mix and tenure to be agreed with the Council's Professional Lead for Strategic Housing)
- Open Space
- Public Transport Improvements as per LHA requirements

2) and that such permission be subject to the conditions including as set out below:

- Standard time limit
- Submission of reserved matters
- As agreed with the Environmental Protection Team relating to noise, but including detailed scheme of noise attenuation concurrent with any reserved matters submission
- Landscaping scheme concurrent with reserved matters and including tree protection measures
- Implementation of landscaping scheme
- Secure and implement sustainability and energy strategy
- As required by the Archaeological Service following conclusion of the intrusive groundworks.
- Secure provision of fire hydrants
- Concurrent with reserved matters to submit foul and surface water drainage strategy
- Approved drainage scheme to be implemented in full as approved
- Concurrent with reserved matters details of the implementation, management, and maintenance of the drainage scheme shall be submitted and agreed.
- SUDs details shall be submitted and approved for inclusion in Lead Local Flood Authority's Flood Risk Asset Register.
- Details of construction surface water management shall be submitted and agreed. Development implemented in accordance with approved details.
- Foul drainage strategy
- Implement Ecological Mitigation measures
- Lighting Design Scheme to be agreed and implemented
- As required by LHA

- Construction Management Plan
- Details of materials
- Provision of high-speed broadband
- Provision of a waste management scheme, including provision of bin presentation and storage points.

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