

## **Committee Report**

**Item No:** 2

**Reference:** DC/17/06289

**Case Officer:** Gemma Pannell

**Ward:** Lower Brett

**Ward Member/s:** Cllr John Ward

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### **Description of Development**

Erection of 24 dwellings including eight affordable houses, vehicular access, garaging, parking and open space.

### **Location**

Land east of St Georges Field, The Street, Raydon

**Parish:** Raydon

**Site Area:** 1.61ha

**Conservation Area:** Not in Conservation Area

**Listed Building:** Not listed

**Received:** 22/12/17

**Expiry Date:** 06/02/18

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**Application Type:** Full Planning Permission

**Development Type:** Small Scale Major Dwellings

**Environmental Impact Assessment:** N/A

**Applicant:** Landex

**Agent:** Wincer Kievenaar Architects Limited

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## **DOCUMENTS SUBMITTED FOR CONSIDERATION**

The application, plans and documents submitted by the Applicant can be viewed online at [www.babergh.gov.uk](http://www.babergh.gov.uk).

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

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The application is referred to committee for the following reason:

It is a 'Major' application for:

- a residential development for 15 or more dwellings.
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## **PART TWO – APPLICATION BACKGROUND**

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### **History**

On 30 August 2017 the Planning Committee resolved to grant outline planning permission B/16/01630 for up to 21 dwellings (all matters reserved except access). A reserved matters application has not been received to date.

### **All Policies Identified as Relevant**

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

### **Summary of Policies**

NPPF National Planning Policy Framework

#### **Babergh Core Strategy 2014**

- CS1 Applying the Presumption in favour of sustainable development in Babergh
- CS2 Settlement Pattern Policy
- CS3 Strategy for Growth and Development
- CS11 Strategy for Development for Core and Hinterland Villages
- CS15 Implementing Sustainable Development in Babergh
- CS18 Mix and Types of Dwellings
- CS19 Affordable Homes
- CS21 Infrastructure Provision

#### **Babergh Local Plan Alteration No.2 (2006)**

- HS32 Public Open Space (New Dwellings and Sites up to 1.5ha)
- CN01 Design Standards
- CR07 Landscaping Schemes
- TP15 Parking Standards – New Development

### **Supplementary Planning Documents**

- Suffolk Adopted Parking Standards (2015)
- Rural Development and Policy CS11 (2014)
- Affordable Housing (2014)

### **List of Other Relevant Legislation**

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

On 30 August 2017 Planning Committee resolved to grant outline planning permission B/16/01630 for up to 21 dwellings. Officers recommended refusal based on sustainability grounds.

## **Pre-Application Advice**

Pre-application advice was given on the merits of the scheme having regard to policy CS11 and the Committee decision of 30 August 2017.

## **Consultations and Representations**

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

### **A: Summary of Consultations**

#### **Raydon Parish Council**

Concerns raised regarding: land outside village envelope; dangerous bend lacking visibility; environmental impact including drainage; lack of infrastructure; inappropriate car parking adjacent B1070; new access may cut off dew pond and change drainage on King George's Field.

#### **County Highway Authority**

No objection – subject to standard highways conditions.

#### **Anglian Water**

No objections

#### **Place Services (Ecology)**

No objection subject to conditions to secure:

- a) A proportionate financial contribution towards visitor management measures for the Stour and Orwell Estuaries SPA/Ramsar.
- b) Ecological mitigation and enhancements

#### **Suffolk Wildlife Trust**

We note the consultant has recommended a sympathetic lighting scheme. It is important that all retained and new habitat features are not impacted on by light spill from external lighting and that dark corridors are retained around the site for foraging and commuting bats. We recommend that Suffolk County Council's street lighting strategy is used as a basis for street lighting layout and design, alongside the recommendations made in the ecological survey report.

We would recommend that the existing species rich hedgerows do not form part of the residential curtilages, as this could lead to a decrease in their biodiversity value over time.

Also, although no evidence of badger was found on the application site during the ecological survey, they are known to be present in the immediate vicinity of the site (further information available from Suffolk Biodiversity Information Service (SBIS)) and their presence on site cannot be ruled out in the future. Badgers can rapidly colonise new areas and therefore a further walkover survey to confirm their absence should be undertaken immediately prior to any works commencing. If any evidence is found at any time, further advice should be sought from a suitably qualified ecologist.

We note that the site lies within the area covered by the emerging Recreation Disturbance Avoidance Mitigation Strategy (RAMS), further consideration must therefore be given to the need for Habitat Regulations Assessment (HRA) of the proposed development under the Conservation of Habitats and Species Regulations 2017 and the requirement for the proposed development to contribute to this strategy.

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We request that the recommendations made within the report and this letter are implemented in full, via a condition of planning consent, should permission be granted.

### **Natural England**

Mitigation required through Suffolk RAMS contribution.

### **SCC S106 Obligations**

This development site lies within the high value zone for BDC CIL Charging and would be subject to CIL at a rate of £115m<sup>2</sup> (subject to indexation). The Developer should ensure they understand their duties in relation to compliance with the CIL Regulations 2010 (as amended).

### **SCC Strategic Development**

No objection – sets out detailed requirements for CIL bid.

### **SCC Fire and Rescue**

No objection.

### **Environmental Health - Land Contamination Issues**

No objections.

### **Environmental Health – Other**

I can confirm with respect to noise and other environmental health issues that I do not have any adverse comments and no objection to the proposed development.

Due to the nature of construction sites, however, and the impact on amenity of nearby noise sensitive premises for a long period of time, I would recommend that a condition limiting the operating hours of the construction phase of the development to 08.00 – 18.00 hours Monday – Friday and 0800 – 13.00 hours Saturdays, with no work to take place on Sundays or Bank Holidays.

I also note that a brochure for the ‘Valliante’ air source heat pump (ASHP) has been submitted with the application though no external equipment/condenser units are shown on any plans. This may be ‘exempt’ development but if not you may wish to advise the applicant that such equipment may require an noise impact assessment depending on the size of the ASHP, its sound power level, the location and proximity of any noise sensitive neighbouring premises.

### **SCC Archaeology**

All archaeological conditions have been met under the previous planning application. No archaeological conditions recommended.

### **Place Services (Landscape)**

No objection subject to recommended conditions regarding increased boundary planting, hard surface landscaping details, and detailed landscape maintenance plan.

The Landscape Appraisal submitted is thorough and includes justification that the additional number of three proposed houses will have little effect and no significant impact on the wider development site.

Overall, the Landscape Appraisal identifies that any potential impact on landscape can be mitigated within the proposed development. The viewpoints identify key views into the site and have been protected by the proposed planting strategy to mitigate against any adverse effects which will reduce visual impacts from all views to ‘low’ or ‘negligible’, this will be in full effect up to and after a 15 year period. There are no adverse visual impacts on the Listed Buildings within 500m of the site as there are no views inward from these locations.

There is existing mature planting in place along all site boundaries, with the eastern boundary being the most exposed and in need of reestablishment. All boundaries have been reinforced by further hedge and tree planting. The north western boundary benefits from mature, dense hedge and tree planting providing an adequate screen between the proposed residential development and the existing playing field.

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**SCC Flood Officer** – No objection subject to conditions

**Sustainability Officer**

Sustainability Statement inadequate.

**Arboricultural Officer**

No objections subject to works carried out in accordance with Arboriculture Report recommendations.

**B: Representations**

One objection received objecting on following grounds: development closer to property than previous application; layout does not take account of drainage easement; viability of the proposal noting less than required affordable housing provision.

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## **PART THREE – ASSESSMENT OF APPLICATION**

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From an assessment of relevant planning policy and guidance, representations received, the planning designations and other material issues the main planning considerations considered relevant to this case are set out including the reason/s for the decision, any alternative options considered and rejected. Where a decision is taken under a specific express authorisation, the names of any Member of the Council or local government body who has declared a conflict of interest are recorded.

### **1. The Site and Surroundings**

- 1.1. The application site sits outside of the acknowledged settlement boundaries for Raydon as identified within the village proposals maps in the Babergh Local Plan.
- 1.2. The site is currently agricultural land. Sporadic residential development is located to the south and west of the application site. A recreational ground is located to the north west of the site, known as St Georges Field. The village of Raydon is located further to the north west of the site.

### **2. The Proposal**

- 2.1. Full planning permission is sought for the erection of 24 dwellings. The Design and Access statement states that 35% of the dwellings, a total of eight units, are to be affordable housing.
  - 2.2. The proposed mix of dwellings is as follows:
    - 3 x 1 bedroom dwellings
    - 9 x 2 bedroom dwellings
    - 10 x 3 bedroom dwellings
    - 2 x 4 bedroom dwellings
  - 2.3. The proposed mix of affordable housing is as follows:
    - 3 x 1 bedroom dwelling
    - 3 x 2 bedroom dwellings
    - 2 x 3 bedroom dwellings
  - 2.4. Of the 24 dwellings 11 are proposed to be bungalows, comprising 45% of the development. The remainder of the dwellings are two storeys. The development comprises three rows of three dwellings, two pairs of attached dwellings and 10 detached dwellings. The majority of dwellings, other than affordable housing units, are served by detached single garages. The proposed housing stock is traditional in appearance, incorporating pantile clad pitched roofs and brickwork construction.
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- 2.5. The proposed access is located centrally along the western boundary of the site. The access provides for visibility splays of 2.4m x 85m. The vehicle access includes proposed footways to either side.
- 2.6. The proposed layout comprises of dwellings located to the periphery of the site, centred around an approximate 1200sqm public open space area. An existing public right of way runs along the western and northern perimeter of the site, located outside the site boundary. A swale is proposed to the north eastern corner of the site.
- 2.7. Landscaping is proposed to the central public green open space, property frontages and to the site boundaries.

### **3. Housing Land Supply**

- 3.1. 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.
  - 3.2. 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.
  - 3.3. The precise meaning of 'relevant policies for the supply of housing' has been the subject of much case law, with inconsistent results. However last month, 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.
  - 3.4. 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...'
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- 3.5. The Council published the Ipswich and Waveney Housing Market Areas Strategic Housing Market Assessment (SHMA) in May 2017 which is significant new evidence for the emerging Babergh and Mid Suffolk Joint Local Plan. Therefore, the 5 year land supply has been calculated for both the adopted Core Strategy based figures and the new SHMA based figures. For determining relevant planning applications, it will be for the decision taker to consider appropriate weight to be given to these assessments and the relevant policies of the development plan.
- 3.6. A summary of the [BDC] Council's 5 year land supply position is:
- i. Core Strategy based supply for 2017 to 2022 = 4.1 years
  - ii. SHMA based supply for 2017 to 2022 = 3.1 years
- 3.7. 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 wellbeing; 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.
- 3.8. 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 five year land supply.

#### **4. Principle of Development**

- 4.1. The subject site already benefits from outline planning permission, granted in 2017, for development of up to 21 dwellings. This is a significant material consideration and afforded significant statutory weight.
- 4.2. In light of the 21 dwelling outline approval referred above, the principle of developing the site for residential purposes must be accepted.
- 4.3. For the purposes of assessing the merits of this application, the focus is on the acceptability of the three additional dwellings. Put another way, it has already been determined through the approval of the previous application that a 21 dwelling development at the subject location represents sustainable development. Therefore, the assessment focus for this application is determining whether an intensification of that development, through the introduction of three additional dwellings, continues to represent sustainable development.
- 4.4. The three dimensions of sustainable development, in the context of the proposed development, are assessed in detail below.
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## **5. Economic Dimension**

- 5.1. Like the approved 21 dwelling development, 24 dwellings will give rise to employment during the construction phase of the development. Furthermore, future occupiers of the development would be likely to use local services and facilities. Both factors will be of benefit to the local economy, furthering the economic dimension of sustainable development.

## **6. Social Dimension**

- 6.1. In respect to the provision of new housing, the development would provide a benefit in helping to meet the current housing shortfall in the district through the delivery of 24 additional dwellings, eight of which would be much needed affordable dwellings.

## **7. Environmental Dimension**

### *Access to Services and Facilities*

- 7.1. Residents of the proposed three additional dwellings will be dependent upon the same local services and facilities on offer in the area as the residents of the approved 21 dwelling development. There will be a level of car dependency owing to the limited extent of nearby services in Raydon. However, the additional number of vehicle trips generated by the additional three dwellings, in the context of the trips to be generated by the already approved development, are very modest. It is concluded that the environmental harm that results from the three additional dwellings will not be substantial.
- 7.2. As noted in the officer's report in assessing the previous outline application, it is important to take into consideration the provision of, and accessibility of, public transport in Raydon, which provides a credible alternative mode of transport for a variety of activities including employment, retail, leisure and recreation.
- 7.3. It is concluded that, in the context of the 21 dwelling outline approval, the environmental harm that results from the three additional dwellings will be less than minor.

### *Impact on the Landscape*

- 7.4. Saved Policies CS11 and CS15 require development proposals to protect the landscape of the district. Policy CS11 requires new development to be well designed and appropriate in size/scale, layout and character to its setting and village, and to be sited adjacent or well related to the existing pattern of development for that settlement.
- 7.5. Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils.
- 7.6. The landscape of the proposal site is not designated in any way and is not subject to the protection afforded in the NPPF to National Parks or Areas of Outstanding Natural Beauty. In addition, the site is not a locally designated Special Landscape Area.
- 7.7. The proposal site comprises open agricultural land. Any introduction of housing will therefore change local character. The character change brought about by the implementation of the 21 dwelling outline approval will not be insignificant. This however is the 'permitted baseline' in terms of the character assessment. In other words, the site must be considered as it would present if the 21 dwelling approval was implemented. Or put another way, an environment exhibiting conventional residential characteristics.
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- 7.8 Council's Landscape Consultant has reviewed the submitted Landscape Appraisal and agrees with its principal conclusion, that is, that the additional three dwellings will have little effect and no significant impact on the wider development site. In respect to mitigation, the Consultant observes: (a) there is existing mature planting in place along all site boundaries, with the eastern boundary being the most exposed and in need of reestablishment; (b) all boundaries have been reinforced by further hedge and tree planting; (c) the north western boundary benefits from mature, dense hedge and tree planting providing an adequate screen between the proposed residential development and the existing playing field.
- 7.9 The submitted landscaping scheme reflects the characteristics of the area, with proposed planting building upon the existing boundary vegetation, providing wildlife corridors, consistent with saved Policy CR07.

#### *Impact on the Character and Appearance of the Area*

- 7.10 Saved Policy CN01 states that development proposals will be required to be of appropriate scale, form, detailed design and construction materials.
- 7.11 Policy CN01 requires particular attention to be paid to:
- the scale, form and nature of adjacent development and the environment surrounding the site;
  - the materials forming the external elevations and roofs of the buildings;
  - retaining and incorporating local features, both natural and built;
  - existing and proposed hard and soft landscaping;
  - creating interesting and attractive public and private spaces in and around the development; and
  - the content of any adopted Village Design Statements.
- 7.12 Saved Policy CS15 states that development should, amongst other matters, make a positive contribution to the local character, shape and scale of the area. Criteria x of Policy CS15 states that development should create green spaces to provide opportunities for exercise and increase connectivity of biodiversity.
- 7.13 Paragraph 56 of the NPPF attaches great importance to the design of the built environment, stating that good design is a key aspect of sustainable development.
- 7.14 The proposed layout has been carefully considered, with dwellings set around a centrally located public green open space. Separation distances between detached dwellings are generous. Garaging is, in the main, set back from street frontages. Almost half of the development comprises bungalows, limiting building scale, reducing visual prominence and generally assimilating with nearby development. Varied building scale offers visual interest and a pleasing built form outcome.
- 7.15 The layout is conventional in form and the design detail is traditional. The central positioning of the public open space promotes passive surveillance and is welcomed. The open space also offers a sense of visual relief and sense of openness, pleasing character features.
- 7.16 The proposal is of an acceptable design and will give rise to an acceptable impact upon the built and natural environment, consistent with the above policies and the environmental dimension of sustainable development.

#### *Impact on Heritage Assets*

- 7.17 Section 66 of the *Planning (Listed Buildings and Conservation Areas) Act 1990* states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Listed Building or its setting.
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- 7.18 Where policies are out of date, paragraph 14 of the NPPF says that permission should be granted unless 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 specific policies indicate development should be restricted. In this case there are specific NPPF policies relating to designated heritage assets that should be considered.
- 7.19 Paragraph 129 of the NPPF identifies that the impact of a proposal on the significance of a heritage asset should be taken into account, in order to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.
- 7.20 Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 7.21 The NPPF defines the setting of a heritage asset as the surroundings in which it is experienced. The extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset; may affect the ability to appreciate that significance; or may be neutral.
- 7.22. The site is not located adjacent to or nearby any designated heritage buildings or Conservation Area. The proposal does not promote negative heritage outcomes, consistent with Policy CS11 and CS15.

#### *Residential Amenity*

- 7.23 Paragraph 17 of the NPPF sets out a number of core planning principles as to underpin decision-taking, including, seeking to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 7.24 The proposed layout demonstrates that careful attention to detail has been applied to the siting of all dwellings to ensure there is no unacceptable loss of amenity for future occupiers of the proposed dwellings.
- 7.25 Residents of the neighbouring southern dwelling, Densal Westies, have raised concerns regarding residential amenity values given the dwellings are closer to their northern boundary than shown on the indicative layout that formed part of the previous outline approval.
- 7.26 Whilst the neighbouring resident's concerns are noted, the separation distance between the neighbouring dwelling and the proposed dwellings is such that amenity impacts are mitigated to an acceptable level. It is noted that the dwelling opposite the rear garden of the neighbouring dwelling at Densal Westies is a proposed bungalow, thereby avoiding any potential overlooking or visual bulk concerns. Proposed garaging is located near the shared boundary, however these are traditional in design, with pitched roofs, and are sited perpendicular to the neighbour's property, reducing visual prominence. Moreover, existing boundary vegetation between the properties helps screen the development and mitigate visual impact. The existing domestic sheds along the northern boundary of Densal Westies further mitigates adverse visual impacts.
- 7.27 Officers conclude that the development safeguards the residential amenity of the neighbouring properties. The development is consistent with the thrust of Paragraph 17 of the NPPF. A planning condition is recommended to control construction operating hours. A note is proposed regarding heating/cooling equipment and the potential need for noise impact assessments.

#### *Highway Safety*

- 7.28 Saved Policy TP15 of the Local Plan seeks to ensure parking provision for new development complies with the Parking Standards. The proposed scheme provides on-site car parking provision in accordance with the Parking Standards and therefore accords with saved Policy TP15.
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- 7.29 The Local Highway Authority raises no objection to the proposal subject to standard highways conditions. Highway safety is adequately safeguarded.
- 7.30 Paragraph 32 of the NPPF confirms 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)*).
- 7.31 The impact of the additional vehicle movements generated by the scheme on the local road network will not be severe. The capacity of the network at this location is at a level that it can readily absorb the anticipated increase in vehicle movements without causing unacceptable congestion. The proposal is not in conflict with Paragraph 32 of the NPPF.

#### *Public Right of Way*

- 7.32 Paragraph 75 of the NPPF seeks to protect and enhance public rights of way and access.
- 7.33 The development proposes no change to the public right of way that extends along the western and northern site boundaries. There will be no 'stopping up' or diversion of the footpath.
- 7.34 If anything, the proposal will enhance pedestrian connectivity of the network of rural paths.

#### *Land Contamination*

- 7.35 The application is supported by a Phase 1 Contaminated Land Survey. The Council's Environmental Protection Team has reviewed the information and raises no objection to the proposal.

#### *Trees*

- 7.36 The site does not contain any trees of significance. As noted elsewhere in this report, landscaping and planting is proposed to mitigate the landscape impact of the development. The landscape character outcome is one supported by saved Policy CR07.

#### *Biodiversity*

- 7.37 Saved Policy CS15 of the Core Strategy seeks to protect and enhance biodiversity.
- 7.38 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.
- 7.39 Council's Ecology Consultant agrees with the supporting Ecology Report and recommends conditions regarding Ramsar financial contributions and ecological mitigation and enhancements. These requirements are readily addressed by planning condition.

#### *Loss of Agricultural Land*

- 7.40 Paragraph 112 of the NPPF states that where significant development of agricultural land is demonstrated to be necessary, local planning authorities should use areas of lower quality land.
- 7.41 The site can be developed for residential purposes through the implementation of the previous outline approval. The loss of agricultural land is not an issue of significance.
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## *Waste Management*

- 7.42 Centrally located refuse storage collection areas are provided in a manner that are convenient and accessible for dustcarts. The proposal raises no waste management issues of significance.

## *Surface Water Drainage*

- 7.43 Criteria xi and xii of saved Policy CS15 requires development to minimise the exposure of people and property to all sources of flooding and to minimise surface water run-off and incorporate sustainable drainage systems (SUDS), where appropriate.
- 7.44 The SCC Flood Officer has confirmed they have no objection to the proposed SUDs scheme.

## **8. Planning Obligations / CIL**

- 8.1 In accordance with the Community Infrastructure Levy Regulations, 2010, the obligations recommended to be secured by way of a planning obligation deed are (a) necessary to make the Development acceptable in planning terms (b) directly related to the Development and (c) fairly and reasonably relate in scale and kind to the Development.
- 8.2 The application is liable to CIL and therefore Suffolk County Council have outlined the monies that they would be making a bid for to mitigate the impact of the development on education and libraries.
- 8.3 The application, if approved, would require the completion of a S106 agreement to secure the required number of affordable dwellings, along with mix and tenure, as well as a management plan for the principal public open space.

## **9. Details of Financial Benefits / Implications (S155 Housing and Planning Act 2016)**

- 9.1 Granting this development will result in the following financial benefits:
- New Homes Bonus
  - Council Tax
  - CIL
- 9.2 These are not material to the planning decision.

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## **PART FOUR – CONCLUSION**

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### **10. Statement Required By Article 35 of the Town and Country Planning (Development Management Procedure) Order 2015**

- 10.1 When determining planning applications The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires Local Planning Authorities to explain how, in dealing with the application they have worked with the applicant to resolve any problems or issues arising.
- 10.2 In this case the planning authority engaged at the pre-application stage of the application process, providing direction and advice regarding the merits of the preliminary proposal and application information requirements.

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

- 11.1. There are no known legal implications derived from the determination of this application.
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## **12. Planning Balance**

- 12.1. The Council accepts that it cannot currently demonstrate a five year housing land supply in the district, as required by the NPPF. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites (as stated in paragraph 49 of the NPPF).
- 12.2. Where policies cannot be considered up-to-date, the NPPF (paragraph 14) cites the presumption in favour of sustainable development and states that planning permission should be granted unless i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or ii) specific policies in the NPPF indicate development should be restricted.
- 12.3. Officers conclude that specific policies do not indicate development should be restricted. Therefore, the proposal should proceed to be determined in accordance with the presumption in favour of sustainable development.
- 12.4. The NPPF advises that the environmental aspect of sustainability includes contributing to protecting and enhancing our natural, built and historic environment; economic and social gains should be sought jointly and simultaneously with environmental improvement.
- 12.5. The extant outline approval for 21 dwellings, granted in August 2017, is a significant material consideration afforded significant statutory weight. The additional three dwellings proposed by the current application would give rise to a less than minor increase in environmental harm, such that it does not outweigh the benefits of the development, including the benefit in helping to meet the current housing shortfall in the district. The current proposal represents sustainable development and should be granted in accordance with the presumption in favour of sustainable development.
- 12.6. The application is therefore recommended for approval.

## **RECOMMENDATION**

- (1) Subject to the prior agreement of a Section 106 Planning Obligation on appropriate terms to the satisfaction of the Corporate Manager- Growth and Sustainable Planning to secure:
    - Secure 35% Affordable units including mix and tenure
    - Ecological Mitigation (RAMS)
  - (2) That the Corporate Manager- Growth and Sustainable Planning be authorised to grant Planning Permission subject to conditions including:
    - Standard time limit
    - Accord with approved plans
    - As recommended by Highways
    - As recommended by SCC Floods
    - Unexpected contamination
    - Fire hydrant provision details
    - Details of provision, future management, and maintenance of public open space
    - Sustainable efficiency measures
    - Secure mitigation and ecology enhancement measures
    - Lighting scheme – biodiversity
    - Construction Management Plan
    - Construction hours
    - Implementation of landscaping scheme
    - Withdrawal PD rights
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- 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 for reason(s) including:-

Inadequate provision of infrastructure contributions which would fail to provide compensatory benefits to the sustainability of the development and its wider impacts, contrary to the development plan and national planning policy.